English for the Children Creates a New Coalition — The Front Line

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By Paul Ciotti

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The PARENTS RIGHTS Coalition

FOR STRONG FAMILIES AND THE RULE OF LAW

THE PARENTS RIGHTS COALITION exists to demonstrate the wisdom, legal justification, and broad popular support of California's law requiring minor children to obtain a parent's or judge's permission before an abortion is performed on them. California's Supreme Court first upheld the law, then, following a Court membership change, overturned it.

BACKGROUND

This law was passed in 1987 by a Democrat-controlled Legislature recognizing and encouraging parents' central role in leading children toward responsible adulthood. Signed by Governor George Deukmejian, it was supported by Governor Pete Wilson. Its constitutionality was upheld in April 1996 in a state Supreme Court opinion written by the court's most liberal member, Stanley Mosk. Similar laws have been held constitutional by the U.S. Supreme Court on *nine* separate occasions and 70 percent of Californians believe parents have both the right and the responsibility this law enjoins.

But our courts are now used by political losers to erase laws the losers do not like. Tragically, California Chief Justice Ron George has put his office at the service of politics in this way, overruling the people and the constitution to overturn the parental consent law that *he* does not like. Using a change of Court membership to re-open the case, George recruited a new majority to label the law "unconstitutional," even though state laws *nobody* challenges require minors under 18 to obtain parental consent before obtaining a driver's license, using a tanning facility, or undergoing most medical procedures.

QUESTIONS RAISED — ACTION DEMANDED

The George Court majority's lawless action threatens trust among parents and children. It undermines parental responsibility and strong families. It calls into question the constitutionality of curfew laws and other efforts to restore social stability for young Californians. Rulings that flip-flop with changes in Court membership undermine judicial independence and the rule of law. Our political institutions are undermined when extreme political factions use the judiciary to impose their will on all of us. Above all, what does it mean when judges try to tell parents they may not decide moral questions even within their families, and that it is the judges' role to intrude between parent and child to impose their definition of right and wrong?

The Parents Rights Coalition is sponsoring a public education program to alert the people of California of what the Court has done to them. It is our conviction that the rights of parents are too important to be sacrificed to the ideological whims of unprincipled judges and ACLU extremists.

California believes in strong families, responsible parents, and judges who serve, rather than make, the law. It is time we were counted.

Join The Parents Rights Coalition today.

For information, call (805) 383-0972 or (805) 445-9183

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CORRESPONDENCE

CPR's Good News Man

Leon McKinney's "A Union Fat Cats' Weight-Loss Plan" (*CPR*, July/August 1997) brought good news to those of us sick of wasting our education tax dollars for schools that can't, or won't, teach. Parents in my neighborhood recently complained to the local elementary school principal that their children are not learning to read. The principal promptly assailed the parents for emphasizing reading, while he prefers to focus on mathematics. How's that for a reason to homeschool!

The Democrat office-holders who control the schools are beholden to political donations from public employee unions. The unions are run by fans of "new-age" educational fads. But they are not supported in this by their own members, who, like most of us, want good schools for their children. (McKinney gave some heartening statistics along those lines.) Union bosses buy support for their dysfunctional education schemes using union members' money (without those members' consent) to make political donations that elect and re-elect Democrats — but now the circle may be broken!

I can't wait to see how CTA packages its multi-million-dollar ad campaign against the initiative in circulation trying to prove that union members should *not* be asked whether they want their money taken for political efforts that they oppose.

Cindy Brumbaugh
Riverside

Pop-Trash Judges

Thanks to Mark Pulliam ("The New Intolerance," *CPR*, July/August 1997) for once again cutting through nonsense masquerading as jurisprudence from the Ninth Circuit Court of Appeals — this time, in the *Lumpkin v. Brown* case. I was particularly intrigued by the justices' use of the pop-trash visceral term "homophobia." They will call Reverend Lumpkin names, then beat him up at recess. The Ninth Circuit is presumably staffed by adults?

It is exceedingly difficult to obtain substantive information on the activities of the Ninth Circuit and other voter-immune legislative bodies. It is even more difficult to find analyses of the Pulliam caliber. The popular media is content to feed the proletariat sensational but ultimately meaningless criminal cases, while scrupulously avoiding in-depth reporting of court decisions that cut into our constitutional rights. *CPR* would do this state a service if it established a web site, with Pulliam articles from back issues, and perhaps some aggressive monitoring of our courts. A little spotlight might help the courts see more clearly.

Dana Milburn
Piedmont

Our web site is in the works.

— Editor

Has Duty Become Folly?

What a fool I am. All these years I was raised and conditioned to believe that a man such as Clarence Wayne Dean was doing something right when he proceeded into work at the Highway Patrol on the morning of the big earthquake — a morning when not an eyebrow would have raised had he stayed home. Thanks to G.B. Tennyson ("Odium Academicum," *CPR*, July/August 1997), my eyes are now opened. I now see that it was "sublime folly" that Dean thought his place was at work during a crisis.

Robert E. Lee once said something like this, "Duty is the sublimest of words." How wrong he was! Folly beats duty; men who died doing the latter will be remembered for the former. Or maybe we are observing Darwinism in action: Duty has evolved into folly. Thank you, Criticus, for opening my eyes.

Bill Seale
Northridge

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SACRAMENTO SPECTATOR

It's a mad dash to the finish for the Legislature — the Democrats in a frenzy to see how much of your freedom and money they can remove without notice; the GOP fighting a reasonably successful holding action 'til next November.

Most ballyhooed recently was the welfare "reform" package. It contained more of the governor's proposal than the Democrat version. While GOP opinion on its long term effect is divided, our old friend Tom McClintock seems even more a voice in the wilderness than usual in his denunciations of the reform plan.

Your *Spectator* has the highest regard for Tom, but differing from his view of this plan are some *very* conservative, thoughtful GOP members; *i.e.* Steve Baldwin, Tom Bordonaro, Bruce Thompson, etc. They say that on balance this reform contains several medium-sized steps in the right direction, specifically its lifetime limits on welfare eligibilty. McClintock thinks the punishments for staying on the dole beyond the limits are so loop-hole-ridden as to be meaningless and unenforceable.

Good people are on both sides of this argument. A high percentage of McClintock's past "lone wolf" dissents have proven accurate. Our friends on the other side of this argument swear they put one over on the Democrats this time. Stay tuned.

Stress fractures continue to appear in the Democrat Assembly caucus. Speaker Bustamonte is more and more viewed as a lame duck by his members, with the Hispanics, blacks, and white liberals in his caucus each maneuvering for power, should he fall any time between now and next December. While a Horcher-style nightmare for the Democrats is unlikely, it *does* present case-by-case possibilities for mischief and floor vote alliances for Republicans.

And speaking of odd alliances, the Democrat/gun rights groups dalliance continues, if in more muted tones than a couple of months ago. The gun groups have taken a "wait and see" attitude, giving wayward Republicans a chance to redeem themselves during the last weeks of this session. Your *Spectator* has from reliable sources, however, news that Assembly Democrats are beating the bushes in marginal districts to find the ideal 1998 Democrat nominee: a moderately pro-gun union member.

Even more stunning was a sight glimpsed by your *Spectator* at a toney "in-spot" for Capitol-type imbibers of adult beverages. Huddled in deep conversation over what appeared to be martinis (I couldn't get close enough to determine whether it was gin or vodka) was a top Democrat Assembly political operative and a high ranking official of a gun group. What makes this sight truly extraordinary is that the gun group official is a GOP political operative in his own right. In fact, these two have run campaigns against each other in the past.

And to close on a humorous note, Republicans have long laughed at the claim of the exceptionally liberal, highly partisan *California Journal* that it provides "independent analysis of politics and government." And so it was no surprise when a *Journal* founding editor a while ago left to go to work as Speaker Bustamonte's press secretary. Your *Spectator* actually called the *Journal* office to ask if any staff there had ever worked for a Republican office holder. A confused silence followed, then a nervous laugh — a fitting response to such a question from the "independent" *Cal Journal.*

— *A. P. C.*

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EDUCATION

A Curious Syllogism

Good schools teach reading and math. Students in our Democrat-controlled schools can barely read and know little math. Therefore Democrats are dedicated to good schools.

STEVE BALDWIN

WE HEAR it all the time. Democrats are pro-public education; Republicans are anti-public education. It's a durable myth so often repeated even many Republicans believe it. But the truth is Democrats have played a major role in promoting failed education theories that have placed California public schools among the nation's worst. Indeed, the superintendent of public instruction has been a Democrat since Max Rafferty in the 1960s and the Democrats have long controlled the vast majority of California's local boards of education. California is tied for last nationally in fourth grade reading scores on the most recent National Assessment for Educational Progress (NAEP) tests. We are in the bottom fifth for fourth grade math scores on the same test. The millions of dollars our colleges and universities now spend on remedial education further demonstrate our K-12 system's failure to teach basic skills.

Recent research tells why our students perform so poorly. No, it has nothing to do with per-pupil spending (the lowest spending states perform best); it is not facilities (some third-world countries out-perform us using shacks for schools); it is not a shortage of credentialed teachers (most private schools are, on average, out-performing public schools and employ mostly non-credentialed teachers); it is not a lack of psychological "intervention services" (a article in the August 19 issue of *AMA Health Insight* shows that children who received intervention services early perform no better than other children); and it is not class size (Japanese classrooms with far more students out-perform ours).

The cause of California's lackluster performance is methodology. We have adopted every fad promoted by federally-funded education theorists: cooperative learning, inventive spelling, "new new" math, whole language, even ebonics. A ray of hope appeared last year when Republicans controlled the Assembly and pushed through a series of back-to-basics bills.

As Education Committee chairman, I led this movement. It consisted of several bills requiring math textbooks to focus on computational skills (can you imagine that?), requiring all new teachers to pass a test demonstrating phonics competency, creating incentives for teachers to be re-trained in phonics, and setting aside funds for school districts to purchase phonics-based reading texts. We also passed budget language prohibiting use of state funds for the discredited whole language approach to teaching reading.

Criticism from the Democrat-dominated education associations and unions began immediately. The California Reading Association derided the reforms (surprise!). The California Association of Teachers of English went so far as to memo its members warning them to "Guard against an overemphasis on phonics and spelling." The California Teachers Association argued the phonics reforms were ideal only for children with disabilities, but not suitable for other children. With the education establishment's Who's Who spreading such misrepresentations, it is no wonder hundreds of school boards have tried to circumvent the law by, for instance, contracting with well-known whole language advocates to conduct the "phonics" teacher training, a practice so flagrant the state Board of Education voted in March to audit districts suspected of doing so.

MORE SERIOUS, however, was the Democrat effort to end funding for the phonics training program for teachers in the 1997-98 budget unveiled last April. The Democrats re-directed the funds to several feel-good education programs having no impact on academic performance, let alone reading. Fortunately, during budget negotiations they were persuaded that gutting the state's most important reading program was foolish politics and the funds were restored to the budget. Nonetheless, this brazen Democrat attempt to undermine the only reading program that might actually reverse California's decade-long slide to the bottom shocked many observers who thought the Democrats were education reformers.

Unfortunately, whole language is not the Democrats' only idiotic reading program. They also support bilingual education that has kept generations of Hispanic kids from learning English. They came up with

CPR education correspondent Assemblyman Steve Baldwin (A.D. 77) was Education Committee chairman in 1996.

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THE FRONT LINE

Lorelei Kinder

Brought to California as a baby 23 years ago from Mexico, Tomas is a handsome, articulate young man, English fluent with a slight accent. A high school graduate with sixth grade reading and writing skills, Tomas frankly admits he is a product of bilingual education consigned to the minimum wage economy. He spends spare time helping qualify the "English for the Children" initiative authored by Silicon Valley entrepreneur Ron Unz and Santa Ana's extraordinary bilingual teacher Gloria Matta Tuchman. He does not realize it, but Tomas has joined a new coalition. Everytime he answers the Skid Row "English for the Children" headquarters telephones, he adds to that coalition.

Tomas cannot believe so many care about people like him. "When I tell them I cannot spell very well, they [the callers] slow down and help me out. It took a long time for me to ask them, to admit I was unable to spell names like Eugene and even cities like Sunnyvale. But now I do; it is another way for me to learn."

Hungarian-born Magda is another new coalition member. "I was dumped into an English speaking classroom," she says. "In six months I was able to help Momma and Poppa learn English. Why are we denying children the opportunity I had?"

A *San Francisco Chronicle* report of an "English for the Children" news conference told of coalition member Bok Pon, a California Republican Party vice chairman: "In thickly accented English, Pon said anything other than total English immersion is a dis-service to children ... 'I've been cheated. ..They didn't have bilingual education when I went to school, but they put all the Chinese speakers in a class together. All day we spoke Chinese. I failed in college because my English was not good enough. What happened to me I don't want to happen to others.'"

Initiative volunteers range from the doctor in the exclusive residential enclave of Hillsborough to the Boyle Heights truck driver; from the Los Angeles Unified teacher to the Arcadia homemaker.

And it all worries Carlos Munoz of UC Berkeley's Ethnic Studies department. "Backers of the English for the Children initiative are sadly out of touch," he says, citing "economic realities" that "make it imperative that bilingual education ... expand ...." But Santa Barbara's Louis Villanueva knows better. "Bilingual education fosters insecurity and low self-confidence and is a prescription for failure for the Hispanic youth," he says. "When they cannot speak English well, they do not join Scouts, the school band .... They do not feel accepted as part of our city or country. That is why few Latinos (14 percent) took the SAT test for college in 1996 in comparison to 47 percent of Asians. Asians have no bilingual programs, so learn English quickly and become part of the community."

The new coalition, extending its roots throughout California, is growing rapidly. Like waves of spring wildflowers, first buds are visible from Shasta to San Diego. And the liberals are sowing their weeds: the coalition is "racist," out-of-step, ignorant and arrogant. They know the coalition threatens their America where Papa Government knows best. The coalition proposes that *all* children have a chance to succeed; not just those of the liberal, governing, education elite. Tomas, Magda, Bok and Louis are the future. Let's join them. CPR

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"ebonics," which sparked national criticism when the Oakland Unified School District was exposed using it. But ebonics is a state-wide program designed by Education Department bureaucrats and was never limited to Oakland. A Department-published ebonics handbook is currently used by districts in Berkeley, Compton, Los Angeles, Sacramento, San Bernardino, and Stockton.

ONE PAGE of the ebonics handbook is titled "Kill These Myths," and lists this statement as a myth: "Standard English is the correct way to speak at all times." Later the handbook defines ebonics as a separate "black language" and says children should be taught the appropriate time and place to use ebonics. "Michael Jackson dances" is portrayed as "one" way to convey this thought. "Michael Jackson be dancing" is listed as an alternative! When I fired off a letter to the Assembly Education committee's Democrat chairman, Kerry Mazzoni, requesting that she hold a hearing on the Education Department's role in promoting a program the Ku Klux Klan would be proud of, she sent back a three-page letter justifying ebonics. "The program," Mazzoni wrote, "recognizes the unique language background of many of the [Oakland] district's students while transitioning them to standard English," which, of course, never happens.

The news on the math front is not much better. Almost all math books approved by the state Curriculum Commission teach "new new" math, despite legislation requiring all math texts to teach "basic computational skills." The fuzzy math cadres hold that we should not be obsessed with multiplication tables, algebra formulas, drill exercises, etc., because we should allow our children to compose their own mathematical formulas freely. After all, as with whole language, if given enough creative space, students will learn on their own! This is bunk, but hey, the books have pretty pictures, the kids think they're fun, so why not? California's approved math books *do* conform to the National Council of Teachers of Mathematics standards which, incredibly, attack the "longstanding preoccupation with computational and other traditional skills," the focus of traditional math texts.

On March 22, just minutes before the state Curriculum Commission voted on a new series of math books, Democrat Speaker Cruz Bustamante removed me from the Commission, thereby eliminating any opposition to the feel good math juggernaut. All the trendy math books were then approved, insuring our children yet another generation of texts so weak on computation skills they will leave many students unable to work even at a fast food place where they must at least be able to count hamburgers!

What is most shocking about the textbook adoption process is that several traditional math publishers, such as Saxon, have provided the Curriculum Commission with reams of research showing dramatic gains in math performance wherever its books are used. No "new new" math publisher has ever provided any field data of this sort. Incredibly, even though Saxon is probably the most successful math book in the country, it is not on California's "approved" textbook list. Not surprisingly, most of California's high-performing private schools (and home schoolers) use reading and math books also not on the state's "approved" list.

So, if reading and math basics are not taught in our schools, what is? What the education establishment *does* push, next time. CPR

ACADEME

Barry's Potemkin Village

CSU: plagued by high student attrition, deferred maintenance, loss of experienced faculty, and administrative bloat — no wonder it's hailed as one of the nation's 'best.'

RICHARD FERRIER

CSU DIVERSITY Czar Barry Munitz is leaving his post in Long Beach to ascend a new throne high over the Sepulveda Pass as president of the Getty Trust, and the accolades for his term as chancellor are pouring in from the lapdog press all over the state, amplified by Munitz' own self-adulation. "I wouldn't have gone to another university, because I was already at the best university in the country," he told AP's Larry Gerber. Pete Wilson has joined the chorus, claiming that, "Barry leaves the CSU system in solid shape after making it one of the

Richard Ferrier, a member of the Thomas Aquinas College faculty, is CPR's Higher Education correspondent.

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LEGISLATIVE FILE

Of some 1,000 bills before the Legislature as the September 12 deadline for passage approaches, here are a few generating special attention:

Smog Check II — ABs 208 (Migdon, D-San Francisco) and 57 (Escutia, D-Huntington Park): Sen. Quentin L. Kopp (I-South San Francisco), Senate Transportation committee chairman, forced significant amendments to these measures designed to address the fierce public outcry against Smog Check II while keeping the program in place. The bills sought to pass on to the public much of the potentially huge costs of bringing "gross polluters" into compliance.

Under 208 and 57, "low-income" car owners would pay no more than a maximum $200 toward de-smogging their cars, with the "state" paying any remaining balance. Kopp reportedly balked on grounds funding sources for this subsidy were not clearly identified and reliably available. As Transportation committee chairman, Kopp added a guarantee that low-income people will not lose their right to drive their cars if Smog Check II-mandated repairs cost more than $200 and the state fails to pay the balance. Thus, the burden is on the state *(us)* to come up with the money or low-income-owned smog-producers stay on the road. More to come on this issue.

Schedules and status of specific bills can be found by calling the office of their author. Capitol operator: 916/322-9900. *Abbreviations:* AB: Assembly bill; SB: Senate bill; ACA: Assembly Constitutional Amendment; SCA: Senate Constitutional Amendment.

AB 1492 (Baugh, R-Huntington Beach) places a $450 cap on repairs for non-"low income" folks. If costs exceed the cap, a two-year waiver is granted to allow owners to spread out repair payments. Then the car must pass or cannot be driven.

Kuehl vs. the Family — Three Assembly-passed anti-family bills, ABs 257 (Villaraigosa, D-Los Angeles), 310 (Kuehl, D-Encino), and 1059 (Migden), all now in the Senate, were severely criticized in an August 19 Capitol speech by Dr. Martin Luther King's niece Alveda Celeste King. Of AB 257, which equates homosexuality with race and other characteristics banned as bases for discrimination by state civil rights laws, King said "the state education code already requires children to be taught all about civil rights. Connect the dots — *if homosexual behavior becomes* a civil right, our children will be taught all about homosexuality" in public schools. AB 310 would punish expression of beliefs critical of homosexual behavior. 1059 would require employers to provide health care benefits to homosexual "domestic partners," thus equating them with married couples. King called all three bills "unjust" to "family values" and said "to equate homosexuality with race is to give a *death sentence to civil rights.*" She urged calls to senators asking their defeat. The California Republican Assembly reported that "the only Republican senator who has not taken a strong public position against these bills is Bruce McPherson of Santa Cruz." Floor votes should be close; all might prove veto-bait for Governor Wilson should they reach his desk.

Capital gains taxes — SB 5, co-authored by strange-bedfellows Senate Democrat Leader Bill Lockyer (D-Hayward) and Senator John Lewis (R-Orange), excludes from taxation the first $250,000 of capital gains from sale of a home by a single taxpayer ($500,000 for couples). Current law taxes such gains as normal income, although taxes are waived if the gains are reinvested in another home within two years. SB 5 eliminates this waiver. CPR

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pre-eminent state university systems in the nation."

The truth about Munitz' CSU is the exact opposite. It is plagued by high student attrition, deferred maintenance, loss of experienced faculty, and administrative bloat. Nearly half of its entering freshmen require remedial instruction, and even after two years of college courses, students aiming to become public school teachers fail the idiotically simple CBEST exam at a 43 percent rate. The open secret that high grades from CSU campuses are discounted by serious educators was confirmed in a delicious irony last month, when the race preference lobby got the Clinton Education Department to launch an inquiry of the new admissions policies at UC's Boalt Hall Law School. It turns out that one of the grounds for the investigation is that the Law School now discounts grades from inferior colleges and universities, which often graduate high percentages of minority students. An A from Harvard, in other words, means more than an A from Howard University. Surprise. It also means more than an A from "the best university in the country."

MUNITZ' LEGACY will include the costly and ludicrously PC Monterey Bay campus and diversity-mad CSU San Marcos, whose founding president, Bill Stacy, leaves behind an inferior and racially-divided campus with a plaque in the central quad reading, "Excellence through Diversity." The *San Diego Union Tribune's* farewell editorial on Stacy's departure, a generally kindly piece, nonetheless concludes that, as overflowing with diversity as the campus may be, still "CSUSM needs to be known for something tangible — science, economics, linguistic studies, whatever." *Whatever!*

Unless the trustees come to their senses, it will also include the formless, unneeded CSU Channel Islands campus in Ventura County, whose "president," J. Handel Evans, tells local civic leaders that CSUCI's primary "mission" is "to grow the Ventura County economy."

Recent developments in the CSUCI story include a "Needs Assessment Survey" conducted, at public expense, by the Colorado-based National Center for Higher Education Management Systems. The survey is useless and incompetent junk. For instance, it argues that a CSU campus is "needed" in Camarillo because the transfer rate from Ventura and Santa Barbara County community colleges to public four-year institutions is lower than the state-wide average. But to arrive at this conclusion, the study must include in its data Allan Hancock Community College in Santa Maria, *more than 100 miles* from the proposed Ventura County campus. Had the study excluded this one, too-far-away-to-be-relevant JC, it would then have found that the transfer rate to public four-year universities from Ventura and Santa Barbara County JCs is *higher* than the state-wide average, as is overall attendance in the JC sector and, in fact, total public college attendance from the region — *all* higher than the state average.

In addition, this "study," like all the research used to justify the new campus, blithely ignores the role of non-profit independent colleges both in the area and state-wide. Enrollment in private colleges and universities in California, *not* including the for-profits, equals about 137 percent of the entire University of California system. Any serious study of students' "needs" would have to include so large a sector. But the Educrats at NCHEMS and CSU are not interested in students; they want to expand the CSU "market share," and what their study really shows is not that students are poorly served but that CSU is below its share in the target area.

Since the CSU policy is increasingly towards technical and job training, the omission of private for-profit post-secondary institutions is even more interesting. These schools, which not only cost taxpayers nothing (they actually *pay* taxes) serve more than 400,000 students, more than the entire enrollment in "one of the pre-eminent state university systems in the country." NCHEMS's analysis makes no mention of this sector.

Munitz' legacy will also include, as I learned at the July 23 CSU trustees' special meetings, a 30 percent salary increase the next three years for top administrators. The system abounds with top administrators: at least 18 make more than $100,000 at Sac State alone. And Munitz's successor will receive a whopping $250,000 salary, not including housing and other allowances. Administrators' salaries are, according to the chancellor, "a quality issue, unlike faculty salaries, which are an economic issue." Moreover, the successor search will be kept tightly confidential, and there will be no faculty input, except from faculty trustee Bernie Goldberg, a member of the CSU headquarters inner circle in Long Beach, and the author of that memorable scholarly publication, "Condoms on a Roll." (*see:* trustee bios on the CSU website.)

Of course, it is not to be expected that Munitz and his compliant trustees would take seriously teachers' and scholars' advice on running the university. The plans from CSU central are for a radical transformation of the university away from its traditional high purposes to forming part of the Clinton Administration's "seamless web" of social service and job training. It's just the upper end of the "School to Careers" and "Goals 2000" scheme hatched in Washington, as Governor Wilson's own application to the Feds indicated last year when it declared that California is well on its way to establishing a systematic STC plan for "K-16 by

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the year 2002." The CSU component of the plan goes by the name of Cornerstones, and it too can be found on the system's website. It features techno-gimmickry and outcome-based education, larger class sizes, and a diminution of the faculty's role in favor of administrators and corporate and governmental special interests (called "stakeholders" in Munitz-talk).

You have to hand it to Barry, though. He moves from triumph to triumph, supported by a Republican governor and a GOP-appointed board of trustees, and unnoticed by conservative education activists largely focused on the battles in K-12 schools. Now he will dispense the $4.2 billion Getty funds, as the Czar of High Culture for the state. I weep for the Muses. CPR

THE MIDNIGHT ECONOMIST

Midnight Knockings on the Door

A community cannot be politically free and economically slave.

WILLIAM R. ALLEN

IT IS hardly to be expected that respectable economists — those brooders over scarcity — would have many friends. But I have a few. Several years ago, several of them immigrated from behind the Iron Curtain.

These friends from lands of tyranny have added to my understanding of government-condoned and -conducted brutality — of political thugs permitted in the streets and police raids on homes in the night. But even when the mind is instructed by trusted associates, full emotional comprehension is not attained when personal experience is lacking.

In a small way, I have had a taste of the midnight pounding on the door by armed men. The door in question was that of my hotel room. Not only was there beating on the door, the door was actually opened as far as the chain would allow. A voice from the corridor claimed to be from "hotel security."

I reclosed the door and called the front desk. Yes, they were aware that "security" was operating on my floor. I informed the desk that "security" would be called off at that moment or I would utilize legal mechanisms to put the hotel into a state of great financial regret.

It all turned out to be only a breakdown in hotel staff communications. There were no truly bad guys in this episode — just some who were confused. But in many instances in many places around the world, there have been thoroughly bad guys — ruffians of government who could not be deterred by appeals to constitutional protections and by threats to legal reprisal.

How big a step is there between physical coercion and economic domination?

A non-profit policy-research institute once received a message from an agency of the government of California. The letter said, insinuatingly, that an informer had reported that the institute had failed to take out a required personnel insurance policy. The president of the institute was ordered to appear "precisely at 9:50 a.m." at a specified address to account for his transgressions against society. In the government's version of magnanimity, the bureaucrats would permit any relevant papers, lawyers, and accountants to be brought along. (No mention was made of clergy to administer last rites.) As if in trivial afterthought, the possibility was acknowledged that the informer had been incorrect, in which case a copy of the insurance policy could be (and was) forwarded in lieu of a personal appearance.

EVEN BY uncivilized standards of government, it was a coarse performance. The belligerent message implied that the recipient was presumed guilty, and seemingly rejoiced that a culprit had been discovered in his dastardliness. Petty and provincial Little Brother — state and local gov-

William R. Allen, of the UCLA economics department, manfully opposes officious campus officials. This meditation is a version of the pearls in his The Midnight Economist: Little Essays on Big Truths *(with an introduction by Milton Friedman), Thomas Horton and Daughters, Sun Lakes, Arizona, 1997, 322 pages, $24.95, paper.*

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ernment — can be as intrusive and officious as the Big Brother feds. At any level, government is government, and it persists in commonly playing the role of enemy. Not all nefariousness and evil are to be found in government (Adam Smith taught us the dangers of private concentrations of power). But governmental subversion can be devastating, and not all of it emanates from the federal level.

Reasonable thought suggests and experience illustrates that a community cannot be politically free and economically slave, or politically slave and economically free. If political and administrative authority can coerce and domineer in the one dimension, it will do so in the other. CPR

THE WORKING PRESS

Canonizing Saint William

For an unvarnished look at journalists' sentiments, take a look at the retirement and death notices.

TIM W. FERGUSON

At a milestone of a newsmaker's life, such as death or retirement, you get the most unvarnished look at the sentiments of journalists. It is then, in obituaries or appreciations, that the reporters drop the "he said, she replied" format and set up the subject for history. Hero (liberal) or controversial (conservative) — that is the dividing line so often evident in these summary judgments.

Take, for example, the *Los Angeles Times's* front-page obituary for Supreme Court Justice William Brennan, the man who, above all others, established the pattern of unelected judges making law in the United States. David Savage's gushing, 52-paragraph tribute ("legal giant," "protect[ed] the dignity of all persons," "warmth, and sunny disposition") contained one short passage on a continuation page that noted the objections of "conservative legal scholars." (Never mind the objections of a majority of Americans — as witnessed in repeated presidential campaigns — to the dogma of the Brennan Court.) Of these critics, the only ones Savage found opportunity to quote were two unnamed lawyers on the right who in a *National Review* article once conceded Brennan's undeniable, "sustained impact on public policy." Well, yes, the same could be said of many aggrandizers and usurpers through the ages. But gentle Bill Brennan was a great friend of individual freedom. You know that — you read it in the paper.

More locally, Barry Munitz was given a pedestal in the halls of higher education when he left the chancellorship of the California State University system to administer the $4.2 billion Getty Trust from its palatial new perch atop the Sepulveda Pass in Los Angeles. (The institution, an art and culture arbiter, is another example of the liberal establishment's continuing control of the non-profit world, notwithstanding all the carping about right-wing think tanks.) The *L.A. Times* could not say enough good things about Munitz when he made the switch. "A visionary populist" who safeguarded the integrity of Cal State from such inroads as the reactionary repeal of affirmative action. Kind mention of the ridiculous Monterey Bay project recently dissected in these pages. "An experienced private-sector administrator" — but no reference to his role in the savings and loan debacles in Texas in the 1980s. And all that was just in the front-page news story. An editorial — "The Getty's Latest Treasure" — followed in short order. "Munitz's style ... is extroverted and socially involved." The teachers colleges are "a model of state public education." Oh, please.

Which is not to say fair-minded reporters can't rise above their biases. On the occasion of his death, Henry Salvatori merited only the Metro page of the *Times*. But, political writer Kenneth Reich accorded the oil millionaire and contributor to conservative causes a respectful burial. (It didn't hurt that, as Reich wrote, Salvatori "readily made himself accessible to reporters and others, and he never was apologetic or secretive about his

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views.") The *Times* obit even was gracious about Salvatori's chairing of L.A. Mayor Sam Yorty's bruising 1969 re-election win, one of the most bitter defeats the paper has ever suffered in local politics.

An even fuller account of Salvatori's support of "New Right" causes appeared in the *LA Weekly*. The piece had a predictably askance take on its subject, but included (and even ended on) quotes from Claremont-McKenna Prof. Charles Kessler, an endowee of Salvatori's.

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There's a story in the Milken Institute in Santa Monica, and one day the local press might get around to telling it. The story may be as much in what's *not* happening at the place as what is. The institute is growing — before long it's likely to have 40 senior researchers or fellows and an annual budget close to the Cato Institute's $7.9 million. Some have heard Michael Milken speak of bigger aspirations — perhaps to be the pre-eminent think tank in the United States. What hasn't been reported is that the man who made the 1980s explosion of American finance possible was seriously weighing the appointment of a committed free-marketeer to run the joint. Milken interviewed several top think-tank figures on the right and was getting serious with Michael Walker, head of the Fraser Institute in Vancouver, B.C. But the talks fizzled and ultimately Don Straszheim, the Keynesian chief economist of Merrill Lynch, was selected. Milken himself has repeatedly shown a libertarian streak and some programs at the institute have reflected this (a July 29 conference on urban policy featured the establishment-bucking mayors of Indianapolis, Houston, and Philadelphia). But his family, which helps guide the governing foundation, is more down-the-line Democrat. Nevertheless, there's been hope that given Mike's close ties to L.A. Mayor Dick Riordan, the shop might yet exercise the kind of challenge to metropolitan orthodoxy that the Manhattan Institute has achieved in New York. Straszheim talks as if this is unlikely — one reason that policy pundit Joel Kotkin resigned his part-time affiliation with Milken at the end of July.

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We'll say it again. The gutsiest journalist in Los Angeles is Jill Stewart of the *New Times* weekly. She relentlessly pounds away at city and school district officials, all the while drawing juicy tidbits from the bureaucracy. One of her recent blasts — at departing L.A. school board member Mark Slavkin (who — surprise! — took a job at the Getty Center) contained the following remarkable anecdote: The board recently rehired an elementary-school principal "who actually killed someone in a hit-and-run traffic accident. This unfit role model was allowed to traipse around her grade school, in front of the children, wearing a court-ordered ankle monitor." But then, maybe one of Bill Brennan's judicial proteges made them protect this worthy's individual rights.

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Speculation continues on what might become of the competing dailies that ring the *L.A. Times* in Los Angeles County. Alameda News Group owner William Dean Singleton — whose biggest property nationally is the *Denver Post* — holds dailies in the San Gabriel Valley to the east, and has been scouring the books of the *Long Beach Press-Telegram,* now up for sale by Knight-Ridder. A big problem there is limited press capacity, as well as the souring demographics of the home city, which has one of California's higher welfare concentrations. More important is the fate of the *L.A. Daily News,* out of the San Fernando Valley, which is thought to be for sale by the Jack Kent Cooke estate. The *News* has key personnel ties with Singleton's Southern California operation in editorial and otherwise. Put all these papers together, and maybe add Copley's three dailies along the coast, and you'd have the big, bad *Times* encircled if not outnumbered with readers. So, will Dean do it?

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The Society of Professional Journalists' newsletter for the L.A. area contained an interview with editor David Butler of the *Daily News* that was notably uninformative about where he intends to take the paper. "There's a wonderful opportunity for a diversity of newspapers" in Los Angeles, he said. "One has gone in one direction, and left an amazing opportunity for other papers to go in a different direction." There was no elaboration of what he meant by "direction." However, the article did contain a discouraging note that Butler draws inspiration from Tony Blair "with whom he had shared drinks during repeated visits to England with his wife."

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But New Labor will not satisfy the True Left. So the *LA Weekly* took a pot shot at the *Daily News* recently, with City Hall columnist Marc Haefele suggesting the reason the *News* so adamantly supports secession for its Valley from L.A. is to obtain the "avalanche of official advertising and other goodies" that would come with being the No. 1 newspaper in what would then be L.A. County's No. 2 city. CPR

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In concocting California's new welfare law, Republicans joined Democrats to move the state to the left of Bill Clinton, throwing away the best chance in a decade to reform a failed system and squandering their best opportunity to regain control of the Legislature's lower house.

How Republicans

Botched welfare reform

by TOM McCLINTOCK

Tom McClintock represents the 38th Assembly district in the California Legislature.

DURING AN early skirmish on welfare reform in April, Assembly Republicans taunted the Democrats for advocating a plan that placed them well to the left of the landmark federal legislation signed last year by President Clinton. Never one to disappoint, Democrat Dick Floyd rose in a state of indignation and replied on cue, "Hell yes I'm to the left of Bill Clinton. I was born to the left of Bill Clinton; I'll stay to the left, and damn proud of it." Floyd's Democrat colleagues cringed and Republicans had a field day.

One of the great tragedies and ironies of California's welfare debate is that in the end, Republicans joined Democrats to move California's welfare system well to the left of Bill Clinton. In so doing, they threw away the best chance in a decade genuinely to reform California's failed welfare system, and squandered the best opportunity for Republicans to regain control of the Legislature's lower house. It was a policy and political defeat of titanic proportions.

California's new welfare measure, AB 1542, adopted by bipartisan majorities on August 4, 1997, eviscerates the federal welfare reform adopted in 1996, and makes California one of the few states to maintain "welfare as we know it." It shatters federal time limits, undermines federal work requirements, violates the federal mandate for "earn your pay" provisions, and actually increases the state's welfare costs by a quarter billion dollars beyond what the old system would have cost. It is the tragic loss of an historic opportunity to replace the welfare-as-entitlement mentality that pushes people toward dependency on government with welfare as a bridge to independence and self-reliance through work.

The last time the Legislature had such an opportunity was in 1986.

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Despite an expanding economy, welfare rolls burgeoned until the situation became simply unacceptable to the vast majority of Californians. This set the stage for a concept called "workfare" and a rare opportunity for major reform. Unfortunately, Governor George Deukmejian and legislative Republicans were anxious to claim a victory on "workfare" prior to the 1986 elections, and Republican negotiators capitulated on the principal points demanded by Democrats. The result was the ill-fated GAIN program (Greater Avenues toward Independence), which, though masquerading as a "workfare" program, actually gave welfare recipients an endless array of excuses not to work. Republicans and Democrats alike campaigned heavily that year boasting that they had enacted a "work requirement" for welfare recipients. California's welfare rolls continued to climb.

Ironically, the year after California's leaders botched their opportunity for welfare reform, Wisconsin began the overhaul of its own welfare system. While the core of the California reforms was training and preparation, the core of the Wisconsin reforms was simply work. Welfare recipients were expected to obtain a job in the private sector, if necessary with a temporary public subsidy, and if this failed, they were expected to take a temporary community service job. Wisconsin requires 40 hours of work per week for every able-bodied adult, and docks them $4.75 per hour for every hour not worked.

From 1987 to 1996, California's welfare caseload grew 49 percent. Wisconsin's caseload dropped by 49 percent. Recent strengthening of Wisconsin's work requirements has now brought its caseload down by more than 60 percent. Wisconsin has saved money every year its program has been in effect, allowing the state to reduce taxpayer expenditures even while increasing support for those families in the system. California's costs have continued to escalate, even while benefits have been cut because of continuing caseload growth.

The welfare reforms adopted last year by the Republican Congress and signed (after two vetoes) by President Clinton offered California its first opportunity in 10 years to repair the damage done by the 1986 capitulation.

The federal act, based on Wisconsin's success, ended the old AFDC entitlement grant system, and instead set minimal standards designed to drive able-bodied welfare recipients into productive jobs. Among other things, it required:

- A five-year maximum cumulative time limit for recipients to receive aid, and gave states the option to adopt shorter limits for continuous aid within the five-year period.
- A minimum 20-hour work requirement as a condition for receiving benefits.
- An "Earn Your Pay" requirement that aid be reduced on a *pro rata* basis for every hour not worked.

The federal reforms offered California Republicans a priceless opportunity for either an historic policy victory or the most powerful political issue since Proposition 13. Democrat legislative leaders in both houses seemed determined to help Republicans politically. They surrendered to the most liberal elements in their caucuses, appointing former social worker Dion Aroner to lead the Assembly negotiations and radical Diane Watson to lead the Senate. They appointed a gerrymandered "super-conference committee" of 18 members, with only six Republicans who were kept completely outside of any negotiations.

The liberal Democrat plan did not emerge until July 2, two days after the start of the fiscal year. Predictably, it provided a litany of excuses from work requirements, continued welfare benefits at a slightly reduced rate for recipients who went beyond their time limits, diminished the state's power to investigate and punish fraud, all at a substantially increased cost for California taxpayers.

REPUBLICANS LEAPT on the plan, ridiculing what they called its "Four Fatal Flaws." To underscore Republican displeasure, Governor Wilson vetoed the first bill in the package before the debate had even finished on the later measures. A brutal radio campaign was devised through the National Tax Limitation Committee to attack liberals who had voted to perpetuate the failed welfare system. The ads were unleashed against Democrat Senator Mike Thompson, causing a front-page furor in his district. Produced by award-winning political consultant Wayne Johnson, the attack was devastating. Aired on radio stations throughout Thompson's northern California district, a folksy voice asked constituents, "How come it's more than a month late and the state Senate still hasn't passed the budget? The big roadblock has been the plan to reform welfare and give working families a

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tax cut — a plan strenuously opposed by local Senator Mike Thomson. Now, I know what you're thinking. Moving people onto payrolls and off the welfare rolls may seem like a pretty simple idea. After all, that's what the Congress and President Clinton intended when they passed the bipartisan law to end welfare as we know it last year ... If you think it's time for a little common sense, give Senator Thompson a call at 707/576-2771." Senator Thompson's phone lit up and so did he.

CHECKS TOTALING $10,000 had already been written to air similar ads in selected Central Valley media markets where interest in the issue is particularly strong and where votes could be won for real reform. Funds for additional markets were also on the way.

At that moment in the last week in July, Republicans were poised for the most important legislative victory in decades, or the most important political victory they could hope to have to help them regain control of the Legislature. Republican lawmakers were resolute for Wisconsin-style reforms that focused on reducing caseloads by requiring all able-bodied welfare recipients to work. The governor had mounted his bully pulpit and was sparing no rhetorical flourish. Democrats were clearly not going to get their way: their only choice, it seemed, was to give in to Republican demands or stand in front of the welfare reform freight train. And yet, with their most radically left members in charge of the issue, Democrats steadfastly opposed anything approaching compliance with even the minimal standards under the federal law. With powerful ads already running and more on the way, Republicans held all the cards: total reform of welfare or a thermonuclear issue to wield in the next election.

But it took just 10 days — roughly from July 25 to August 4 — for the tables to be turned completely. Republicans once again did what they do best: snatching defeat from the jaws of victory. Intense closed-door negotiations were initiated with the Democrats among a group nick-named the "Little Four," (as compared to the "Big Five"). All other members, including those with intense interest and expertise in welfare reform were specifically barred from attendance in these "Little Four" meetings. And in 10 summer days, everything was lost.

Agreement was announced at the end of July, but with only sketchy details provided to members. "It's 85 percent of what we want," Assembly Republicans were told. The radio campaigns by the National Tax Limitation Committee had to be halted. Ads in the Machado and Cardoza districts, which were scheduled to be placed that day, were cancelled. The checks for airtime were returned. And Republicans waited to see what "compromise" had been struck.

It was late Saturday afternoon August 2 before members were given even a draft of the bill — 414 pages worth. And since almost all members were in their districts over the weekend, it was not available to them until Monday August 4 at 9 a.m. — with a vote scheduled at 11 a.m. In a carefully-orchestrated presentation, Republicans claimed they had "fixed" the "Four Fatal Flaws" of the Democrat plan. What they had really done was take a giant step backward from last year's federal reforms. With no time to review or reflect upon the plan, rank-and-file Republicans simply rubber-stamped what they had been given.

The result isn't pretty. In a national era of welfare reform, California has been turned into an anachronistic island of resistance, like Cuba after the fall of the Soviet Union. Under the federal reforms, welfare recipients have a strict lifetime cumulative limit of five years, with the clock starting in November of 1996, after which their grants are cut off (although food stamps, medical care, and housing subsidies continue). California's new law allows a recipient's grant to continue indefinitely, at a slightly reduced rate (it decreases $109 per month for a family of three), all at *state-only* expense. California also re-sets the federal clock to *next* January, adding 14 months to the maximum for current recipients, also at state-only expense.

Federal law requires those receiving welfare benefits to work at least 20 hours per week. California's "reformers" brag they have increased that to 32 hours. But there's a difference. Under federal law, benefits must be reduced for every hour a recipient fails to work, a requirement called "earn your pay." California's welfare benefits remain, in effect, an entitlement grant that cannot be reduced on an hourly basis. If a recipient refuses to work at all, a county has the "option" to embark upon an exhaustive process of binding arbitration, administrative hearings, and multi-level appeals to impose "sanctions." And for any county that fights through this cost-prohibitive procedural labyrinth, the only "sanction" that can be imposed is the same $109 per month reduction in benefits.

FOR A mother with two children, the difference between working 32 hours and not working at all is 85 cents per hour. Most workers would be inclined to quit their jobs if guaranteed 80 percent of their working wages indefinitely. This is precisely the proposition offered welfare recipients if they choose not to work. Supporters of these gaping loopholes insist they will "help the children" of parents who choose not to work. Unfortunately, the benefits do not

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High Court flip-flops on *American Academy of Pediatrics v. Lungren*

California's Rogue Court

In overturning California's pro-family parental consent law, in the process defying U.S. Supreme Court precedent, the elected branches of our government, constitutionally-protected parents' rights, common sense, and the will of the people, Ron George shows how he has grown in office. During a quarter century on the bench, George has transformed himself from an honorable public servant into a rogue elephant, either not noticing or not caring about the vast wreckage he leaves in his wake to our constitutional order, our social fabric, or even to his own reputation. And, after all, why should he notice or care? Staring into his glass, he glimpses a bold and terrible ruler, a philosopher king, a man of destiny. "I will not be intimidated," he said in his first public statement after Lungren *was handed down. A once-honorable man thus fallen to the role of court fool: with this, Ron George inaugurates and defines his tenure as California chief justice.*

The Arrogance of Ron George

Mark S. Pulliam

On August 5, 1997, the California Supreme Court issued the jurisprudential train wreck *CPR* has anticipated since May 22, 1996. That was the day the court decided to "rehear" its prior decision in *American Academy of Pediatrics v. Lungren,* in which it upheld, by a 4-3 vote, California's statute requiring a parent's or a judge's consent for minors to have abortions. It took the Court 16 months to reverse its initial April 4, 1996, decision and to

(Please turn to page 16)

Mark S. Pulliam, California Political Review's *legal issues correspondent, is an attorney in private practice in San Diego.*

A Decision Utterly Lacking in Deference

Hon. Janice Rogers Brown

(citations, internal quotations, and ellipses are omitted)

Today, the court invalidates the Legislature's effort to increase the involvement of parents in the abortion decisions of their unemancipated minor daughters, concluding the enactment cannot survive the exacting scrutiny of a compelling state interest test. To reach this result, the plurality must ignore the historic limits of the federal Constitution, rewrite the privacy provision of the state Constitution, and abrogate the constitutional interests of parents

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Excerpted from California Supreme Court Associate Justice Janice Rogers Brown's dissent in American Academy of Pediactrics v. Lungren.

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Pulliam

(Continued from page 15)

overturn — also by a 4-3 vote — the challenged statute. How did this happen? The simple answer is that Governor Pete Wilson replaced two retiring conservative justices who had voted to uphold the law — Chief Justice Malcolm Lucas and Justice Armand Arabian — with a principled conservative (Janice Brown — see "Justice Brown to the Rescue?" *CPR*, May/June 1997, and excerpts, nearby, from Justice Brown's *Lungren* dissent) and an unprincipled "moderate," Ming W. Chin. As was widely reported in the front page stories carried in most California newspapers following the August 5 decision, Justice Chin voted with the bloc of three dissenters from the initial decision (Ron George, Kathryn Werdegar, and Joyce Kennard) to form a new four-member majority. *Voila!* The rule of law, *stare decisis*, and judicial finality were sacrificed to political expediency. We are supposed to be a government of laws, not of men, but in this case one man — Ming Chin — made all the difference.

Of course, none of this would, or could, have happened without the instigation of Ron George, whom Pete Wilson appointed as chief justice. (No wonder Wilson's criticism of the decision was so muted, in contrast to the ringing denunciation by Attorney General Dan Lungren.)

CPR has covered this story as it developed, from the initial decision for the court by Stanley Mosk, to which Ron George and two of his colleagues dissented (see "'Swindlers,' 'Predators,' 'Criminals,'" *CPR*, May/June 1996), to the fateful decision to rehear the case (see "Snatching Defeat From the Jaws of Victory," *CPR*, July/August 1996). The court's new decision (authored by Ron George) is little more than a warmed up and expanded version of George's original dissent, except that in the meantime he rounded up another vote — that of Ming Chin. Stanley Mosk and Marvin Baxter still voted in favor of the challenged law, similar to laws enacted by a majority of the states. Mosk's original opinion for the court is now, sadly, a dissent. Baxter wrote a separate dissent, as did Janice Brown, who sided with Mosk and Baxter to uphold the law.

Kathryn Werdegar joined George's decision without writing separately, even though she had issued a separate dissent to the original decision. Ming Chin, who, with George, will appear on the November 1998 ballot for reconfirmation, was silent as well. Like the puppet he evidently is, Chin let Ron George do his talking for him. Perhaps he believed that that way the voters wouldn't remember his name. We'll see. Joyce Kennard, a liberal appointed by George Deukmejian who ranks with David Souter, John Paul Stevens, and Harry Blackmun (all appointed to the U.S. Supreme Court by Republican presidents) as a disastrous judicial mistake, re-issued her previous dissent as a separate "concurring opinion," which does not go as far as Ron George's plurality opinion (which only Werdegar and Chin joined). Kennard indicates she might uphold a parental consent law limited to adolescents too young to make informed decisions: females under the age of 14. (That the Legislature decided to draw the line at 18 instead of 14 phased her not one bit; after all, isn't the court an unelected seven-member super-legislature?)

What can we add to the analysis of this fiasco? The U.S. Supreme Court has upheld such laws eight times. The basis of our state court's decision — a state constitutional "right to privacy" adopted by the voters in 1972 — does not mention abortion, minors, parental consent, or anything remotely related to the law it supposedly overturns. It concerned "informational privacy": the proliferation of government and business records. Former Senate Majority Leader David Roberti, a member of the Legislature that passed the privacy amendment who voted for it, says flatly: "no one ever envisioned that privacy protection would be expanded to diminish parental rights."

Ron George's decision is an egregious display of judicial activism. It subverts democracy, insults our culture and damages the institution of the family. But these things are evident from the *result*. Let us examine the *substance* of his opinion where we find the arrogance of Ron George that inspired the misguided result. The quotes that follow are from the plurality opinion written by

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Chief Justice George, in the order they appear.

1. "In this case we must determine the validity, under the California Constitution, of a statutory provision that requires a pregnant minor (whether just short of her eighteenth birthday, or several years younger) to secure parental consent before she may obtain an abortion . . . ."

Commentary/translation: The opening sentence of the opinion tries to divert our attention from the inexcusable holding in three different ways. First is the suggestion ("we must determine") that the Court was *forced* to reach the conclusion it did, even though the case was already decided (upholding the law) in April of last year. Second, George side-steps the inconvenient fact that the U.S. Supreme Court has rejected his holding eight separate times by hiding behind the California Constitution. There is no reason for the California Constitution to be interpreted differently from the U.S. Constitution on this point, other than the justices' predeliction. Third, George immediately begins to second-guess the judgment of the Legislature (a Democrat-controlled Legislature in this case) to treat all minors the same way. George implies that there is something suspect in treating people who are almost 18 the same as those who are 16, or 15, or 14, or 13. Classifications, of course, are the main characteristic of legislation. Some drivers can operate a car more safely than others at 80 miles an hour, or with a few drinks, but we impose the same speed limit and blood alcohol standard on all drivers, regardless of individual differences. Likewise, some minors are doubtless as capable at age 17 as they would be a year later to vote, marry, purchase alcohol, enter into valid contracts, consent to sex with an adult, etc., but we establish a uniform rule for all. George's insinuation is really an attack on the age of majority — the legal distinction between children and adults. All of this in the first sentence.

George wants the case seen as an abortion decision, with its fractious coalitions and political complexity, instead of a decision involving parental consent, which polls indicate voters overwhelmingly favor.

2. "As in past cases involving the controversial subject of abortion, we emphasize at the outset that the morality of abortion is not at issue in this case."

Commentary/translation: If it isn't an issue, why bring it up? Because George wants the case to be seen as an abortion decision, with its fractious coalitions and political complexity, instead of a decision involving parental consent, which polls indicate voters overwhelmingly favor. In a recent poll, 67 percent of California respondents favored a ballot proposition to require parental consent for minors to have abortions. As Stanley Mosk wrote more honestly in his dissent, "[t]his case is not about the morality of abortion." Rather, it is about parental authority: "the interest of a child in privacy yields to the necessity for parental guidance and oversight." George tries to obscure this.

3. "No one would doubt the value to a pregnant minor of wise and caring parental guidance and support as she confronts a decision that will affect the rest of her life, assuming such support is available *and the minor is willing to seek it out.*" (Emphasis added.)

Commentary/translation: Two intellectual dishonesties lurk in this sentence. One is the unspoken assumption of the "pro-choice" movement: an unwanted pregnancy is the worst thing that can happen to a woman, notwithstanding options ranging from abstinence (pregnancy is almost always a consequence of consensual sex), to marriage, to motherhood, to adoption. Yet in George's mind the dichotomy is between abortion and a ruined future for the pregnant teen. If teens took the consequences of their actions

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more seriously, perhaps they would act with more restraint. In Minnesota, for example, the teen pregnancy rate dropped substantially following enactment of a parental consent law. The other deceit is a larger one, that pervades the entire decision (and for all I know, Ron George's thinking). George says, in effect, that parental guidance is wonderful, *if the child wants it.* The fundamental nature of the parent-child relationship, however, is that the parent is in charge, not the child! By making parental consent optional, in the discretion of the child, supposedly because it is required by the California Constitution, George eviscerates the authority of parents and transforms the status of children. He does so by paying lip service to "the desirability of parental involvement." This is intellectual dishonesty at its lowest form.

4. "It bears emphasis that all of the lower court judges who have considered the validity of the statute in question have found that the statute violates the right of privacy guaranteed by the California Constitution."

Commentary/translation: In the style that should be becoming clear to the reader, George is trying to accomplish two things with this statement, which appears in a footnote. (In judicial decisions, unlike, say, textbooks or scholarly monographs, authors put important statements in footnotes where they will attract less notice. Call it stealth policymaking.) First, in Clintonesque fashion he is trying to deflect blame for the decision away from himself and his colleagues. After all, the court is merely concurring in a result other judges already reached (even though he is reversing a decision previously issued by his own court). Second, and more importantly, he is asserting the prerogative of judicial activists everywhere: judges know best. How can we doubt for a moment the wisdom and correctness of a right of "privacy" enjoyed by children *vis-à-vis* their parents if *judges* say that the constitution requires it. But judges are not by virtue of their black robes and imperial trappings any smarter than California voters or elected representatives. And they are no more devoted to upholding the constitution or capable of divining its meaning than other political office-holders who have taken the same oath. Why, then, does it "bear emphasis" that a superior court judge in San Francisco (Maxine Chesney) and three court of appeal justices think a law is unconstitutional when 46 members of the Assembly, 25 members of the Senate, one governor, and four members of a prior Supreme Court (not to mention millions of ordinary citizens of California) thought it was valid? The answer is arrogance, resulting from being a judge too long. Just as serving in Washington, D.C., too long can lead to an "inside the Beltway" mentality, being a judge too long (George's tenure on the bench has already lasted a quarter of a century, having begun in 1972) can lead to delusions of grandeur.

The court's disdain for public opinion is more than mere indifference; the court is consciously advancing the agenda of the losers in the political process.

5. "Assembly Bill 2274 authorizes a pregnant minor, without parental advice or consent, to make the decision to continue her pregnancy and *give birth to a child*...." (Emphasis added.)

Commentary/translation: So what? George seizes on this as an inconsistency to argue that parental consent is not so important after all, ignoring the difference between letting nature take its course and interrupting a pregnancy with a surgical procedure. This is the legal equivalent of grasping at straws.

6. "[A]n abortion, when performed by qualified medical personnel, is one of the safest medical procedures, and .... the risk of medical complications resulting from continuing a pregnancy and giving birth is considerably

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greater than that posed by an abortion."

Commentary/translation: I'm speechless. (Safer for whom?) This sounds like something the "Family Planning Bureau" in China would assert as an excuse for mandatory abortions.

7. "[M]any minors who do not voluntarily consult their parents have good reason to fear that informing their parents will result in physical or psychological abuse to the minor (*often* because of previous abusive conduct or because the pregnancy is the result of intrafamily sexual activity)." (Emphasis added.)

Commentary/translation: This vicious lie is arguably the most outrageous — and arrogant — statement in the entire opinion. What it means is this: Judges need to invent "rights" on behalf of children that diminish the authority of their parents because so many parents (especially *fathers)* commit child abuse and incest. It is shocking to see this contemptible smear of the American family appear in a judicial decision. There is no basis for this assumption whatsoever. The California Legislature, in enacting A.B. 2274, made findings that directly contradict George's thesis. The Legislature concluded that "minors often lack the ability to make fully-informed choices that take into account both immediate and long-range consequences of their actions" and "parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning a minor child." In other words, the Legislature believed parents would be better equipped than their child to make this type of decision. As a result of George's decision, teenagers will receive "guidance" from the staff of outpatient abortion clinics, where 80 percent of these abortions are performed, instead of their parents or family physicians. This can imperil the health of young patients in what remains a potentially dangerous surgical procedure.

Anyway, under A.B. 2274 minors who are unable or unwilling to obtain a parent's consent can get the approval of a judge in a confidential, expedited proceeding, in which the sole issue is whether the minor is mature enough to make an informed decision on her own. The court found that even this "judicial bypass" feature violated the "right of privacy" enjoyed by minors.

Moreover, this case is a so-called *facial* challenge to the statute. The ACLU filed suit and enjoined the statute before it ever took effect. Contrary to Ron George's vile speculation, this case was not brought by an actual minor who wanted an abortion without her parents' consent, or a victim of child abuse or incest. The litigants challenging the law included Planned Parenthood, an abortion provider. "Facial" challenges (as opposed to "as applied" challenges, which involve a real person who is actually aggrieved by a law) give activist courts the maximum opportunity to engage in mischief, because they are not constrained by *facts.* In a *facial* challenge, the judges' (or highly partisan experts') unsupported theories and arguments can be asserted to overrule the policies and determinations established by the Legislature.

There will be a lot of talk about "judicial independence" as the controversy about the decision in *American Academy of Pediatrics v. Lungren* percolates. Independence connotes neutrality. This court is not neutral. The flip-flop on rehearing and ultimate reversal of A.B. 2274 teach us this: The court's disdain for public opinion is more than mere indifference; the court is consciously advancing the agenda of the losers in the political process. There is a word for this cavalier disregard of democratic sentiment: arrogance. U.S. Supreme Court Justice Antonin Scalia expressed it well in his dissent in the *VMI* case: "our [democratic] system is destroyed if the smug assurances of each age are removed from the democratic process and written into the Constitution." Justice Scalia perfectly captured the ideological motivation of activist judges, who are "embarked on a course of inscribing one after another of ... the counter majoritarian preferences of ... society's law-trained elite into our basic law."

Voters enacted term limits to deal with unresponsive legislators. In California, retention elections allow similar controls on errant judges. Ron George and Ming Chin will face the voters in November 1998. Maybe the voters will declare their independence from them. Judicial independence, after all, is a two-way street. CPR

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Brown

(Continued from page 15)

in an opinion that cannot survive any level of scrutiny, much less strict scrutiny.

The word "privacy" as used in the California Constitution, for example, has a meaning which can easily be derived from its history, context, and text. The controlling opinion reads this history backwards to infuse "privacy" with a meaning it did not clearly possess at the time of its enactment. As Jefferson warned us, "Laws are made for men of ordinary understanding, and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties, which may make anything mean everything or nothing, at pleasure."

The plurality goes to extraordinary lengths to declare Assembly Bill 2274 unconstitutional. The fundamental flaw running throughout its analysis is the utter lack of deference to the ordinary constraints of judicial decisionmaking — deference to state precedent, to federal precedent, to the collective judgment of our Legislature, and, ultimately, to the people we serve. The plurality begins by reinventing the legal standards governing facial constitutional challenges and proceeds to misapply its own new standards. Then, without any analytical foundation, it invokes the doctrine of independent state grounds, thereby disposing of two decades of highly pertinent United States Supreme Court precedent. Next, the plurality all but eliminates the threshold elements of a state privacy cause of action and misanalyzes what little remains of the elements. Finally, it subjects Assembly Bill 2274 to an inherently insurmountable level of scrutiny, expressly disavowing any requirement of deference to the Legislature along the way. In this case, the court's reliance on highly questionable premises to invalidate so eminently reasonable a statute invites cynicism.

Trampling Federal Precedent

The plurality candidly acknowledges that the Legislature drafted Assembly Bill 2274 to comply with well-established United States Supreme Court precedent. The plurality's wholesale departure from more than 20 years of high court precedent is itself wholly unprecedented. The express phrase "and privacy" was added to article I, section 1 of the California Constitution by an initiative adopted by the voters on November 7, 1972 (hereafter the Privacy Initiative). But it does not follow that we should ignore United States Supreme Court precedent in defining the state right. Where, as here, a state constitutional protection was modeled on a federal constitutional right, we should be extremely reticent to disregard United States Supreme Court precedent delineating the scope and contours of that right.

Trampling the Family

The plurality correctly concludes "there can be no question but that minors, as well as adults, possess a constitutional right of privacy under the California Constitution." This conclusion, however, marks only the beginning, not the end, of the analysis. The fact that minors enjoy a state constitutional right to privacy does not mean that their privacy interests are coextensive with those of adults. The unique role in our society of the family, the institution by which we inculcate and pass down many of our most cherished values, moral and cultural, requires that constitutional principles be applied with sensitivity and flexibility to the special needs of parents and children. A parent's interest in directing his child's upbringing is firmly rooted in both the state and federal Constitutions. It is a compelling one, ranked among the most basic of civil rights.

The plurality's conclusion that in the abortion context — and possibly only in the abortion context — an unemancipated minor's privacy interests are coextensive with those of an adult is indefensible.

Trampling Honesty

Under Assembly Bill 2274, only unemancipated minors who lack the capacity to give informed consent are restricted in their ability to decide on their own whether to continue or terminate their pregnancies. Unemancipated

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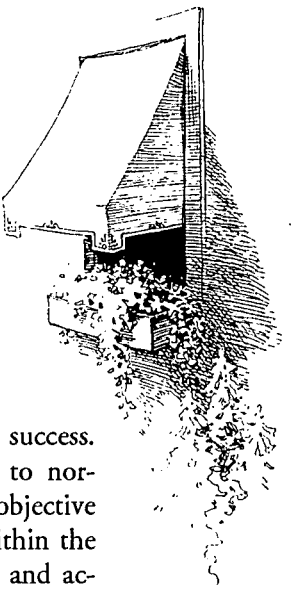
minors who are capable of giving informed consent, by contrast, are not restricted in their ability to decide on their own whether to continue or terminate their pregnancies. Since Assembly Bill 2274 contains a judicial bypass procedure, under which an unemancipated minor need never consult her parents, it is a gross mischaracterization of the statute to say that it condition[s] the minor's exercise of his or her constitutional privacy right upon parental consent.

The plurality presumes to disregard the limits of its constitutional role because numerous analogous statutes authorize a minor to obtain medical care or make other fundamental decisions for herself and her child without parental consent. Based on these statutes, the plurality concludes Assembly Bill 2274 is not necessary either to protect the health of a pregnant minor or to protect the minor's relationship with her parents. I cannot agree with this mode of analysis. The plurality itself acknowledges abortion is fundamentally different in that it includes a unique moral and philosophical dimension.

Trampling Constitutional Order

The fundamental problem with the plurality's approach to constitutional jurisprudence is that it allows the courts to topple every cultural icon, to dismiss all societal values, and to become the final arbiters of traditional morality in a context in which their view of wisdom cannot be challenged. That is why legislatures must be accorded broad deference on issues as to which reasonable minds can differ and why courts must exercise reasoned judgment and self-restraint.

Balance is the Holy Grail for courts in a constitutional system: to strike a balance between the will of majorities, the rights of minorities, and the insatiable appetite of political institutions for power. To preserve a healthy equilibrium in a world hell-bent for absolutes, that is the judiciary's crucial and difficult role. Today, the plurality abandons this historic and irreplaceable legacy with a shrug and without a backward glance.



Deference is especially warranted in this case. Before enacting Assembly Bill 2274, the Legislature considered and evaluated much of the same conflicting empirical evidence the trial court later purported to resolve. The Senate Committee on Health and Human Services, for example, considered competing legislative analyses. One lambasted the failure of parental involvement statutes in states such as Massachusetts and Minnesota; the other praised their success. Because much of the evidence related to normative presuppositions not subject to objective proof, resolution of any conflicts lay within the province of the Legislature, a collective and accountable body.

When fundamentally moral and philosophical issues are involved and the questions are fairly debatable, the judgment call belongs to the Legislature. The reasons are both pragmatic and political. Legislatures are in the business of accommodating interests and building consensus. They represent the will of the people. Courts are in the business of articulating inviolable rights that cannot be accommodated and are shielded from the will of the majority.

Trampling Humility with Hubris

This case is an excellent example of the folly of courts in the role of philosopher kings. Here, the trial court "found" there is no difference in the decisionmaking capacities of minors and adults. Under the usual rules, this conclusion would be insulated from appellate review if the record provides any support for the finding. There is only one problem. The "finding" is contrary to what every adult in the country knows from experience. The greatest distance between two points is time. Information is not the same thing as knowledge. Knowledge is not wisdom. And wisdom we gain only with time. We have a vastly richer perspective from which to judge our actions at 45 than at 15.

A trial judge may find that 15 and 45 are indistinguishable, but that will never make it true. CPR

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Race for the Senate

Fong, Golding and Issa set their sights on Boxer

by PAUL CIOTTI

FOR NEARLY five years now Republicans have been champing at the political bit for a chance to run against Barbara Boxer. Her narrow victory in the 1992 general election was to many an unfortunate fluke, only made possible by the fact that moderate Republicans split their vote in the primary between Silicon Valley congressman Tom Campbell and former Palm Springs mayor Sonny Bono, giving the Republican senatorial nomination to Bruce Herschensohn, a conservative television commentator little known outside southern California. The good news for Republicans is that after the election Boxer made no effort to consolidate her victory by moving to the middle. Instead in the belief that her election was some sort of radical feminist watershed, she published a tendentiously vapid autobiography. During her term in office she has catered almost exclusively to her liberal northern California base, going out of her way to defend gay rights, endangered species, Anita Hill and abortion. Taxpayer lobbying groups rated her as "hostile" or "unfriendly" to taxpayers on spending bills every year she's been in Congress. She helped pass the biggest tax increase in the history of public finance and helped defeat last year's balanced budget amendment to the Constitution. In Senate hearings and press conferences she comes across as shrill and partisan without the compensating quality of a first-class mind.

When a June 1996 Field poll showed only 34 percent of voters wanted to re-elect her, Republican strategists were overjoyed. As they saw it, all they had to do was make sure they didn't nominate anyone who, in the words of *Sacramento Bee* columnist Dan Walters, wasn't "embarrassingly unqualified." John Herrington, the former chairman of the California Republican Party, predicted last summer that candidates would be lining up "ten-deep" to run against Boxer. But people like Congressmen Christopher Cox of Newport Beach, David Dreier of San Dimas, Sonny Bono of Palm Springs, and Tom Campbell of San Jose all decided to pass — why give up a safe House seat at a time Republicans are running Congress to make a risky run for Senate? That left only three people willing to run against Boxer: San Diego Mayor Susan Golding, state Treasurer Matt Fong, and San Diego businessman Darrell Issa.

The bad news for Republicans is that Issa and Golding are virtually unknown north of Camp Pendleton. Although as state treasurer Fong has better name identification, it still wasn't enough to prevent his being eclipsed by Sonny Bono in a Field poll taken last May. "Bono is not the most impressive candidate in the world," says one Republican activist. "But as soon as he announced he was thinking of running he was far and away ahead of all the other candidates. He is best known for being a straight man on a TV comedy show which went off the air 25 years ago. But that apparently makes him a titan politically." (Bono has since taken himself out of the race, citing the demands the contest would make on his family).

MATT FONG, 43, is much admired by people who know him personally. "He's one of the nicest people I've ever known," says conservative activist Lorelei Kinder. "His wife is very smart. She's a CPA. You can't meet Fong and not believe how sincere and honest he is. He's a good treasurer. He has a good staff. He hasn't politicized his office." Plus, says Kinder, he has a lot of guts. "He could be re-elected to the treasurer position if he wanted to run for it again. He's taking a real chance [running against Boxer]. If he could win, he would make an effective senator."

Fong comes with a good political pedigree. He's the adopted son of March Fong Eu, with degrees from the Air Force Academy, Pepperdine, and Southwestern Law School. He was an attorney at the firm of Sheppard, Mullin, Richter, and Hampton specializing in international trade. He's a Lt. Colonel in the Air Force Reserves and licensed as a FAA instructor and commercial pilot. In 1990 he entered politics as a candidate for state controller. Quickly moving up the ladder, he was elected state treasurer in 1994, which currently makes him the highest-ranking Republican elected official of Asian ancestry in the continental United States.

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Fong has been a loyal soldier for the Republican Party. "When he ran for controller, he had no chance," says one Los Angeles attorney who knows him both professionally and personally. "He did it because the Republicans needed someone to run. The governor appointed him to the state Board of Equalization. He did a good job and when he ran for state treasurer he won. He's been there. He knows what it's like to have the lights shining on you at a press conference with people examining your every word. In short, he's the perfect candidate except for one thing — he's a terrible public speaker; he's not dynamic; he can't electrify a crowd."

This will hurt him in any debate with Boxer. "She is a dynamic, talkative, glib, chatty person," says the attorney. "She is terrific on her feet. But when you listen to what she is actually saying you're horrified. When you listen to Fong, on the other hand, you feel lucky that a guy like him even wants to be in politics."

Fong agrees that he might not be the most electrifying speaker. Even so, he says, "I won't be apologetic that I can't make people cry at the end of the speech. The voters are looking for substance, not just form." And in any case, says Fong, his record speaks for itself: "When someone was called upon to rescue the state in the wake of the Orange County bankruptcy, shore up our credit rating, and keep a firm hand on the fiscal tiller of state, [I was there]." As state treasurer, he says, he's helped create jobs, kept interest rates for counties low when, in the wake of the Orange County disaster, lending institutions wanted to raise them. Furthermore, he says, he headed off new regulatory legislation that would have made it much harder for counties to manage their own affairs; he widely expanded scholarship opportunities for California students, upgraded the state's bond rating, and "got an award from the National Association of State Treasurers for having the finest bond debt section."

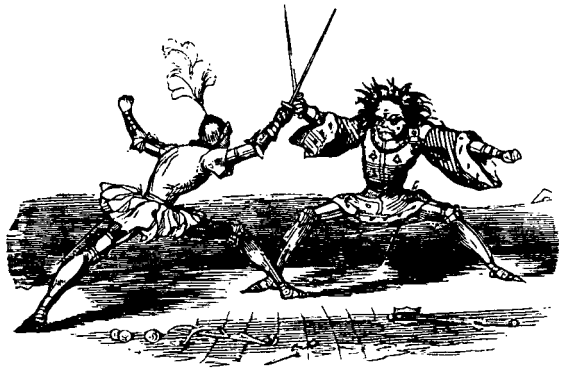
San Diego Mayor Susan Golding, the most liberal of the three Republican candidates, would probably fare pretty well in a debate with Boxer. She's articulate, smart, ambitious, disciplined and, in the words of one observer, "ruthless when she needs to be." She gave a much-admired speech at the Republican Convention in San Diego last year. The fact that she's a liberal pro-choice woman takes a lot of wind out of Boxer's sails. "If Golding is the candidate," says UC San Diego Professor Sam Popkin, "Boxer can't say, 'I'm the only girl in the race. We need a woman's point of view in Washington.' She loses a lot of trump cards if Golding is the candidate."

Golding, 51, comes from an academic family. Her father was president of San Diego State. She has a master's from Columbia and studied French literature at the Sorbonne. In 1981, then-Mayor Pete Wilson appointed her to the San Diego City Council. In 1984, she won a seat on the San Diego County Board of Supervisors. In 1992 she became mayor, narrowly beating a slow-growth advocate in a bitter campaign.

As mayor, Golding pushed through a curfew for teenagers and reorganized the police department to institute community policing. She installed high speed communication and computer links to help lure high technology firms to the city. She fought off what she insisted was an unnecessary billion-dollar sewage treatment plan demanded by the federal government. She cut water fees and business taxes and simplified the permit process. She remains close to Pete Wilson (during mock debates with Wilson for the 1994 governor's race, she played the part of Democrat candidate Kathleen Brown). Her campaign is run by George Gorton, the same consultant who guided Wilson's career.

With her mayoral background, says UC San Diego Professor Sam Popkin, Golding "can play the management card. She has been an executive. She has dealt with crime. She has the ability to get up and say, 'San Diego is a city that works.' She is never going to be the darling of the gun-toting, Bible-carrying, militia movement, home-study person. But if you are looking for your basic moderate Republican who is a good mayor and will make [government work better] for the middle class then she is in good shape."

The rap on Golding is that despite her obvious abilities, she has a few clouds in her corner. She was sued for libel by her city council opponent in 1982 and by her supervisorial opponent in 1984 (the latter suit cost Golding's insurance company $150,000, according to the *Los Angeles Times).* In what many thought was a career-ending disaster for Golding, her husband, Richard Silberman, was convicted in 1990 in an FBI sting and sentenced to 46 months in prison for attempting to launder what he thought was $300,000 in Columbian drug money. Although Golding stood by her husband at the time, calling out "I love you," according to press reports, at the end of his sentencing hearing, she subsequently divorced him (she was never implicated her-



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self). When her opponent in the 1992 mayoral race, slow-growth activist Peter Navarro, brought up her former husband's conviction, Golding tearfully and effectively defended herself, then counter-attacked with an ad that some people felt deliberately misstated Navarro's position on taxes. Despite such problems, Golding has been elected mayor twice — 1992 and 1996, most recently receiving 78 percent of the vote.

"Susan is a survivor," says Kinder. "She has stumbled but she picks herself back up. She has a steady fast-forward career."

Bill Saracino, a long-time conservative Republican activist and political consultant in California, is far less enthusiastic than Popkin about Golding's chances. "Republicans don't like Barbara Boxer," he said. "They won't vote for Boxer and they're not going to vote for Barbara Boxer 'lite' in their primary, which is exactly what Susan Golding is. And, in the fall, given the choice between a Barbara Boxer-wannabe and the real Barbara Boxer, Democrats will vote for the real thing. With Golding as nominee, the vast majority of Republicans, who are conservatives and not radical feminists, will either sit on their hands or vote for a third party candidate. It would be an absolute, guaranteed recipe to send Boxer back to D.C. for another six years."

THE GREAT unknown in the contest for the Republican senatorial nomination is Darrell Issa, a conservative 43-year-old San Diego businessman, Republican activist, and founder of Directed Electronics, a manufacturer of automobile theft alarms. Issa's candidacy is at least in part a product of current tight restrictions on campaign donations. In another time, he quite likely would have backed an experienced politician whose views he supported, but with Common Cause banning such activities, the only way Issa can substantially support a candidate to his liking is to become the candidate himself, which is just what he has done.

Because he has never held elective office, Issa is establishing name recognition with a $2-to-$4 million early red-meat ad campaign in the Central Valley. Sample radio ad: "I'm Darrell Issa and I'm running for the United States Senate for one reason: Barbara Boxer is one of the worst senators in California history."

Issa comes from a family of six kids. His mother worked and his father held down two jobs. At age 17, Issa enlisted in the army as a private, subsequently he attended college on an ROTC scholarship and was honorably discharged as a captain during the Carter downsizing 10 years later. In 1980, he founded Directed Electronics, which today is a $67 million company. "Issa doesn't need the money," says Issa spokesman Matt Cunningham. "He doesn't need the retirement. He plans to serve one or two terms and live under the laws *he's* made — not those made by Barbara Boxer."

As Cunningham describes it, Issa has a straightforward conservative agenda: "He wants to reduce the size and the power of the federal government. He wants to lower the tax rate, cut capital gains in half and index it, and abolish the estate tax. He's very prolife, very strong on the second amendment. Education is going to be a leading issue. He wants to restore control to parents. He believes in back-to-basics. He wants to abolish the Department of Education and he supports a ban on bilingual education." In addition, he was a strong supporter of Prop. 187, co-chair of Prop. 209, a big contributor to Republican causes, and the coordinator of some 10,000 volunteers at last year's Republican convention.

"He's the only prolife candidate," says Cunningham. Furthermore, unlike the other candidates, he won't have to worry about fund raising. He intends to fund his own campaign.

Will he be willing to spend $27.5 million of his own money, which is what former Congressman Huffington spent in his losing race against Dianne Feinstein?

"We don't want to say how much he is prepared to spend in the race," says Cunningham. "For one thing, at this point we don't know. A businessman like Issa who earned his money himself wouldn't want to spend a Huffingtonian amount of money. But Darrell is committed to winning the race."

It may not be easy. According to another veteran GOP activist, in a three-way race, the winner only has to get about 35 percent of the vote, and Golding, just for being a pro-choice woman, gets an automatic 30 percent. Cunningham responds that such factors are mitigated by Issa's being the only real conservative in the race. "He has the advantage of their splitting up the liberal-to-moderate vote and independents will be attracted by his not taking PAC money."

Fong, for his part, takes firm exception to the notion Golding and Issa have any advantage over him. People who have never run for public office can't come out of nowhere and expect to win a statewide race, he says. Even Golding, as mayor of a big city, won't be prepared for the demands of running a statewide campaign. Wilson wasn't able to do it in his first statewide race when he was mayor of San Diego. "It is very difficult to come out of any city and step up to a statewide seat," says Fong, "let alone a U.S. Senator or governorship."

WHAT ARE the chances that one of these three Republicans can beat Boxer? Fong says the incumbent shouldn't be underestimated. "She is a veteran politician." But despite her rising ratings, shown in a May 1997 Field poll, she's still weak for an incumbent senator.

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"When they did the last statewide straw poll for the primary, she only got 43 percent," says Fong. "That's not even Democrat registration. As a U.S. senator she should be over 50 percent, pushing 60 percent. Look at her numbers. As an incumbent the general rule of thumb is that the positive-to-negative ratio should be three-to-one. If you are two-to-one, you are still okay. If you are one-to-one, you are about ready to get thrown out. Historically, Boxer's positive-to-negative ratio has been one-to-one. Feinstein's is three-to-one. Boxer [in this last poll] has come up to one-and-one-half-to-one. Well, that is a relative improvement but she still is nowhere near where she should be as an incumbent senator. When I have been campaigning in the Bay Area I have had Democrat judges come up to me and say, 'Get her out!'"

In the 1998 general election Fong says the primary issues will be education, taxation, growth, bilingual education, and eliminating the growing gap between educational haves and have-nots. Boxer can't run on her record, he says, since she's not only been out of touch with the voters, she's been out of touch with her own Democrat president. "As she looks to Bill Clinton's move toward the center," says Fong, "she will try to wrap herself in the clothing of a Republican, trying to appear strong on business, tough on taxes, and good for the economy. She will try to be the Bill Clinton candidate in California. But she is no Bill Clinton." CPR

McClintock

(Continued from page 14)

go to the children; they go to the same parent who has refused to make even a minimal effort to support them.

Jason Turner, who helped design the successful work requirements in Wisconsin, criticizes this excuse because "it permits the parent to avoid taking responsibility for providing for her family through work. Instead, after five years, she will continue to receive almost all her welfare benefits, all her food stamps, and all other federal benefits such as medical and housing. We have found in Wisconsin that parents respond quickly to support their families once there is no welfare alternative." Indeed, in a sharply worded memo, he urged the Legislature's Republicans not to adopt the "compromise" plan. But words were vain.

The new law will cost California taxpayers $223.4 million more than they would have paid just to maintain the old system, according to the latest figures from the Legislative Analyst's Office. And that's not surprising. Californians will have to pick up the entire cost of welfare recipients who refuse to work (about 60 percent of them according to hard-bought experience in Wisconsin) or who exceed their time limits. These are excuses even the federal government will no longer tolerate. California's taxpayers must not only tolerate it, but pay for it. *All* of it.

Not surprisingly, the performance measurements for the new plan ignore the only real measurement of success — reduction in caseload. Public employee unions are invited to challenge any public sector community service job, so don't expect the few welfare recipients who chose to work for a marginal wage of 85 cents per hour to be cleaning graffiti, removing litter, or supervising playgrounds. And for the sake of convenience, welfare benefits will now be paid directly to a recipient's ATM. No more pesky checks.

Just as in 1986, re-opening the issue next year will be virtually impossible. The announcement of a "landmark, bipartisan compromise" has destroyed the momentum for reform the federal law precipitated. If Republicans attempt to re-open the issue, they will be turned away with their own rhetoric. The reforms have *been* enacted. Shouldn't we give them a chance to work? After all, Republican legislative leaders have proclaimed an end to "welfare as we know it."

NOT ONLY is the policy victory lost, Republicans have also thrown away the most potent political issue they had to take to voters in 1998. A "Republican" welfare plan has been enacted with the support of every vulnerable Democrat in the state. And the tragedy is, they have actually made California one of the few states in the nation to *preserve* welfare as we know it.

Meanwhile, vulnerable Republican incumbents who won narrow victories in 1996 pledging to put welfare recipients to work are now wide open to Clinton-style moderates who can accurately charge that they promised to support the tough federal work requirements and instead voted to gut them — all at state-only expense. Thus, a win-win opportunity for Republicans — a major policy victory if Democrats capitulated or a mortal political weapon if they did not — was adeptly turned into a lose-lose result. Republicans who sought genuine welfare reform have been given one of the few systems in the country that steps backward from the federal reforms. Vulnerable Democrats can use Republican rhetoric to insulate themselves from the charge they are "soft on welfare," while vulnerable Republicans can accurately be accused of stepping back from even the Clinton reforms.

M. Stanton Evans observed that there are two political parties in the country today: the "evil" party and the "stupid" party. Guess which one is which. CPR

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"When they did the last statewide straw poll for the primary, she only got 43 percent," says Fong. "That's not even Democrat registration. As a U.S. senator she should be over 50 percent, pushing 60 percent. Look at her numbers. As an incumbent the general rule of thumb is that the positive-to-negative ratio should be three-to-one. If you are two-to-one, you are still okay. If you are one-to-one, you are about ready to get thrown out. Historically, Boxer's positive-to-negative ratio has been one-to-one. Feinstein's is three-to-one. Boxer [in this last poll] has come up to one-and-one-half-to-one. Well, that is a relative improvement but she still is nowhere near where she should be as an incumbent senator. When I have been campaigning in the Bay Area I have had Democrat judges come up to me and say, 'Get her out!'"

In the 1998 general election Fong says the primary issues will be education, taxation, growth, bilingual education, and eliminating the growing gap between educational haves and have-nots. Boxer can't run on her record, he says, since she's not only been out of touch with the voters, she's been out of touch with her own Democrat president. "As she looks to Bill Clinton's move toward the center," says Fong, "she will try to wrap herself in the clothing of a Republican, trying to appear strong on business, tough on taxes, and good for the economy. She will try to be the Bill Clinton candidate in California. But she is no Bill Clinton." CPR

McClintock

(Continued from page 14)

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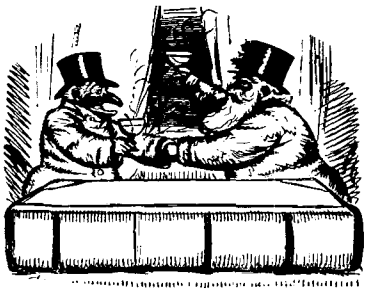

CRITICUS

Disgusted in Tunbridge Wells;

Or,

I Think We Should Be Told

BY G.B. TENNYSON

ONCE UPON a time there surely was a "Disgusted in Tunbridge Wells," and probably several "Disgusteds," writing, from their elegant spa and retirement town, Colonel Blimpish letters to the editors of the *Times* and *Telegraph* harrumphing about the latest infuriating public outrage perpetrated by a celebrity or a chancellor, building contractor or high-priced tart, vagrant vicar or impudent urchin. But by now the phrase has become a journalistic joke clichè for any bloody-minded traditionalist who objects to innovation or impertinence. This applies as well to Criticus as to, say, Evelyn Waugh whose telling dismissal of the Tory party in power (read, for the U.S., the Republicans) was that it had never succeeded in putting the clock back even one minute, hence was not worth anyone's vote. Thus Criticus takes note of various absurdities and dispatches them with a "Disgusted" or at least with one of Disgusted's favorite queries, the famed "I Think We Should Be Told."

CARRY ME BACK

THEY DIDN'T actually ban the state song of Virginia, the once-and-still-loved "Carry Me Back to Ole Virginny"; instead they made it the State Song Emeritus. Perhaps this designated limbo status as opposed to outright banning was in deference to the fact that the song was written by a black New York minstrel who had never been to Virginia. On the minus side, of course, it is also a fact that this composer, James A. Bland, *did* cast the song as a lament by a freed slave to return to Ol' Massa and the Plantation and did have the singer refer to himself as a "darkey" (compare with "My Old Kentucky Home," now cleaned up for Kentucky Derby singing, and with "Maryland, My Maryland," never sung beyond the first stanza at the Preakness). "Carry Me Back" must be the first state song in history to be made emeritus, but it may start a trend, one that Criticus predicts will end with the putting out to pasture of "The Star-Spangled Banner" with the designation, "National Anthem Emeritus." The problem will then be the puzzlement now faced by the state of Virginia, namely, what to put in place of the rejected song. The ACLU will never permit "God Bless America," and our many oppressed minorities along with the Sierra Club and its faithful servant Algore will never tolerate "America the Beautiful" (how can it be beautiful when we are feeding crack to the inner cities, polluting streams, and contributing to global warming?). The Critical solution is the same for both the state and the nation: commission the court poetess Marguerite Johnson, *aka* Maya Angelou, to lift some lines glorifying America the Diverse from some Campfire Girls sing-along book, taking care as she did at the

G.B. Tennyson tells many disgusted students at UCLA what he thinks they should be told about English literature.

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inaugural to leave out any reference to white males. Music can be created for the new anthem by the man once known as Calypso Louie, now as Minister Farrakhan. After that they can turn to the individual states and create new songs for them. It's a job that may take some time and money, but a Hillary tax on tickets to films that show people smoking could fund it.

MASCOTS

SPEAKING OF sensibilities, they are becoming so sensitive that they are in danger of canceling one another out. We know that a good while back ever-correct Stanford University divested itself of its traditional symbol, the Stanford Indians, and adopted the quixotic "The Cardinal," not only a bird in the singular but one which does not exist in the West, though a tiny colony of imported ones was recently reported as living in the San Gabriel Valley. Somewhat belatedly, given Stanford's example, there is now a movement afoot to abolish all Indian-related names from sports teams as inherently insulting. The Redskins must go, as must the Braves, even though Hanoi Jane cheerfully joins in doing the Tomahawk Chop. And we are not speaking only of professional or college teams. The cleansing must descend all the way down. Criticus saw a so-called public interest television show in which several "Native American" activists (now *there* are some words ready for retirement) discussed at length the shame and humiliation they had suffered growing up among sports teams that were named things like Indians. They managed to drag in some footage of a football game at Birmingham High School in Van Nuys (alma mater of Michael Milken and Michael Ovitz) where cheerleaders dressed up as the Birmingham Braves cavorted about with feathered headdresses and the like. Horrors! The activists argued that no other ethnic group was singled out for this kind of insult, saying with a not-so-subtle touch of bias of their own, that after all no one would name a team the New York Jews. Certainly not. But what about the Minnesota Vikings? The Boston Celtics? The Fighting Irish? The Trojans? though that last may be stretching it. And ought not one cast a cold eye on the Cleveland Browns?

Whereas American Indians evidently consider mascots by their nature demeaning, blacks consider mascots by their nature exalting.

MORE MASCOTS

MEANTIME, NOT so far away from Van Nuys as the crow flies lies the Antelope Valley. Here the sensibilities run the other way. The high desert towns of Lancaster and Palmdale were settled originally mostly by Southerners but in recent years there has been a considerable influx of blacks from Los Angeles, lured by what realtors like to call affordable housing. Result — culture clash. Some local black activists protested a year or so ago against the fact that a middle school there has athletic teams called the Rebels and a mascot of a southern colonel, or was it Johnny Reb? (Criticus has misplaced the clipping.) This mascot, some held, was insulting to blacks. The storm raged for a while and in due course Political Correctness prevailed and the Rebels have been banished. This is, alas, not in itself so remarkable and will doubtless be repeated across the land until the last Confederate statue is removed from the last county courthouse square, almost certainly in South Carolina. What is interesting in the context of sensibilities is that whereas American Indians evidently consider mascots by their nature as demeaning, blacks consider mascots by their nature as exalting. Now that's diversity. We have yet to hear from PETA on this, but one can foresee simultaneous complaints from that self-righteous organization against teams that demean razorback hogs and banana slugs by adopting them as their mascots and teams that exalt, or in academic jargon privilege, gophers and anteaters over other creatures by adopting them as their mascots. The solution is clearly a federal commission to regulate mascots nationwide. Chelsea of The Cardinal could chair it.

YET MORE MASCOTS

WHILE WE'RE at it, Criticus notes that until recently virtually all group mascots and symbols were thought of positively and/or affectionately, albeit often in warlike or bellicose terms that used to be called manly, from the Lion of Judah to St. George the dragon-slayer, from John Bull to Uncle Sam, from the various imperial eagles to all those ferocious tigers, bears, and wildcats for schools and teams.

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Somewhere along the way in the insalubrious '60s it became fashionable among the revolting classes to mock these once proud and innocent symbols. That was when '60s-founded schools like the U.C.s Santa Cruz and Irvine adopted what we can only call anti-mascots, the aforementioned banana slug and anteater respectively. Santa Cruz didn't even allow course grading then, either, though economics has brought them to their senses on that matter. But cynicism and rebuke can surface on the right as well, and to that end Criticus proposes for all groups that oppose existing mascots the mascot to end all mascots, one that will both exalt and demean its subject, both amuse and offend the populace. It is also very probably the only one that already has its own warning road sign, a sign that Criticus covets and would purloin if he could. Alas, as far as I know, the sign can be found only in South Africa. But I almost think *"il vaut le voyage,"* as the guidebooks put it. The mascot in question? It is the dung beetle. Also known as the tumblebug and the tumbledung. If you don't know its life cycle, you can probably make a good guess at it. Or look it up, as it is inappropriate for description in a publication as high-minded as this one.

A few years ago the running dogs of correctness tried to get a restaurant along the Grapevine that was named 'Okie Girl' to change its name, as Okie was offensive.

THE SHOES OF THE PROPHET

JUST TO be inclusive, Criticus will briefly advert to a topic that gained more publicity than the two previous ones, perhaps presaging a shift in power among interest groups. I refer, of course, to the brouhaha over the Air Nike shoes in which the design of the word "Air" at the back of the shoe was held to look like Allah in Arabic and hence to be offensive to Muslims. (This is distinct from the calculated insult by an Israeli artist depicting Mohammed as a pig.) The Air-Allah led to protests and to Nike's removing the shoes from the market at considerable expense. At first this seemed an unusually craven retreat, but then one remembered that Nike does sell worldwide, therefore including sales to Muslims, though the picture of Bedouins or *chador*-covered Arabesses in Nikes is not easy to conjure up. But what may really have concentrated Nike's mind is the example of the *fatwah* against that boring old humbug (not to be confused with the tumblebug) Salman Rushdie. Imagine if the names and faces of Nike executives were to be distributed throughout the Muslim world. Or for that matter simply to the Nation of Islam. And was it Nike that had earlier blundered with the "Incubus" shoe, or was that Reebok? Either way we are beginning to see the results of American higher non-education that can't even teach would-be advertising writers (English majors to a woman) how to use the dictionary. It's an argument for restoring the old Western Civilization course that The Cardinal among others pecked to death.

TRANSLITERATION

ALLAH REMINDS one that it is becoming fashionable to render the word Koran in English as Qu'ran or Quu'ran or some comparable un-English combination of letters. Disgusted sees this as a sinister development and hopes it will be opposed by all right-thinking people. He remembers how the once charming Peking got inscrutably transformed some years back into the quite silly Beijing, the latter being supposedly truer to the Chinese pronunciation, but if so, why not transliterate it more phonetically as Bayzhing, letters being alien to Chinese in any case? And if it must be Beijing, let us change the name of the canine to a Beijingese. Disgusted was also much annoyed even before he was born when Angora got itself transformed in English to Ankara, though happily not the cat or the cloth.

NUMBERS

NOR CAN we readily excuse those Chinese and Chinese-Americans eastwards of downtown Los Angeles in places like Monterey Park who opposed so vigorously the recent telephone area code change, whereby they lost the 818 area code and were given 626 instead. Their complaint was not the usual one of business costs brought on by the change but the distinctly Middle Kingdom one that in Chinese eight is a lucky and six an unlucky number; therefore they must not be burdened with six where once there was eight, which was enough. We may be moving towards ethnic area codes. We shall not tell them that the street

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number on the Reagans' house in Bel Air was discreetly changed: it was originally 666. But what is the problem anyway? We always thought they knew that with six you get eggroll.

FOREIGN WORDS

ALL THIS leads to thoughts of just how far we can go in accommodating our politically correct and multi-cultural population.

A few years ago the running dogs of correctness tried to get a restaurant along the Grapevine that was named "Okie Girl" to change its name, as Okie was offensive, to which the owner said the Okie equivalent of Fiddle-Dee-Dee, pointing out that she herself *was* the Okie Girl of the name and proud of it. Not too long thereafter the dogs began hounding the DWP to rescind a personalized license plate that read "Top Wop," but the owner, a gentleman of Italian descent, replied with the Italian equivalent of Fiddle-Dee-Dee, which, as I remember Italy, would be the Finger, pointing out that he was a successful business man who always referred to himself as "Top Wop," and nobody was going to take his self-chosen nickname away from him.

Most recently, sensitive Asians demanded the banishment of a personalized plate reading RAPNJAP, but the bearer declined on the grounds that his initials were JAP and what are you going to do about that? Far more alarming in the eyes of Disgusted are some Asian surnames. The Wangs and the Dongs seem in English to be sailing pretty close to the wind. And Deng pronounced Dung should simply be banned. Failing that, we could change the insect's name to the Deng Beetle at least to harmonize spelling. As for the former southeast Asian politico named Bum Suk, nothing more need be said. Just to keep straight faces we may have to abandon language altogether and communicate solely through the use of internationally recognized symbols, now blasphemously called icons. Is Apple computer responsible for introducing this repulsive verbal usage? If so, we now know why it is in such trouble. The Oecumenical Patriarch is not mocked.

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I THINK WE SHOULD BE TOLD

BACK TO business now, lest you rest too easy with all this jollity. Disgusted thinks we should be told the answers to the following questions:

• *Ambrose Evans-Pritchard.* Having done an admirable tour of duty on the American/Washington news beat, A E-P has returned to England. But why did the American information media so studiously avoid disseminating his unmatched investigative scoops on Clintonian sleaze? And if you don't know about this, Disgusted will pass on one of A E-P's parting journalistic *amuse-gueules,* viz., that on the night of the day of the discovery of Vince Foster's body, when Lady Macbeth may have been scouring Foster's office for those peripatetic Rose Law Firm files, President Bubba was in bed with a woman not his wife. I do think we should be told.

• *Swiss Banks.* Why are they now persecuting Swiss banks when they were, as the world's most literate and stylish financial commentator Christopher Fildes put it in the *Spectator,* simply doing what it is that banks are supposed to do? I think we should be told. We should also be told how the United States, among many other countries, trafficked mightily in that fearsome and newly named commodity "Nazi Gold" and also refused entry to large numbers of refugee Jews. While waiting for full disclosure on that score, I think the Gnomes of Zurich should be saying a Swiss Fiddle-Dee-Dee, which I assume is a razzberry yodel.

• *Le mot juste.* Is it really true, as reported in a recent *Chronicles,* that an academic was reprimanded and punished for using the phrase "a chink in his armor," or is this just someone's paronomasiac jest? I think we should be told.

I THINK THE WORLD SHOULD BE TOLD

BY WAY of cheering you up, Criticus offers the next two items not in the spirit of Disgusted but rather in that of Gratified in Tunbridge Wells, hopeful indeed that there was now and again a Gratified who wrote to the editor.

• *The Empire Strikes Back.* Despite the loss of Hong Kong it appears that with its last remaining possessions

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the British Empire is still one on which the sun never sets. There are even now thirteen "pink bits" on the map still owned by the Mother Country, if the Midnight Economist of these pages will permit such an affectionate locution. If you begin the course of the sun at the Greenwich meridian, the British possessions in the Atlantic, the Caribbean, the Pacific, and the Indian Oceans are still so distributed that at any given moment the sun will be shining on some patch of land that is forever England. Who needs Hong Kong, or even Scotland, when there is still Pitcairn Island (population fifty-two), the Falklands, Diego Garcia, Tristan da Cunha, and many more?

The mainland Chinese have managed to replace the image of the monarch of the imperial usurper with an image honoring two Swiss botanists and a member of the British imperial system.

• *The Empire Strikes Back, Part Two — Horticultural Division.* From the unlikely source of knee-jerk-left political columnist Alexander Cockburn come some comfortable words about the symbolism of the new Hong Kong. The current masters of that probably doomed rock are removing the Queen's image from all official documents, money, and insignia. They have replaced it with the handsome flower of the Hong Kong orchid tree, the same as can be seen in many a Southern California garden. All this seems appropriate enough.

A WESTERN PHENOMENON

BUT THE Hong Kong orchid tree, a type of bauhinia, was first noted and recorded botanically by the British after securing that territory for themselves in the Opium Wars. Scientific botanical classification and nomenclature being an entirely Western phenomenon (where is the Asiatic or African Linnaeus?), the tree was botanically named in typical style in Latin, which is the genus name followed by the species name. Normally these are purely descriptive of physical characteristics of the plant, but now and again, especially with exotic plants not part of a previously known family, the name is a Latinized form of the name of the discoverer (*e.g.*, the French explorer Bougainville, who gave us our dazzling bougainvilleas) or the name of someone to be honored by association with the plant. In the case of the Hong Kong orchid tree we honor two westerners, though Cockburn wrote only of the latter. First, however, there was the genus name of this type of tree, which was taken from the Swiss botanists Jean and Gaspard Bauhin who discovered it, hence *bauhinia*. Insult Number One to the xenophobic Chinese. Then there was the particular species that was observed by the British in Hong Kong and that Cockburn tells us was named in honor of the wife of the then-British governor of Hong Kong, Lady Blake. Thus the Hong Kong orchid tree is the *bauhinia blakeana*. The mainland Chinese, so proud of having erased (actually it was done for them by Mrs. Thatcher in a fit of absent-mindedness) the shame of the loss of Hong Kong have managed to replace the image of the monarch of the imperial usurper with an image honoring two Swiss botanists (did they have numbered accounts?) and a much lower-ranking member of the British imperial system than the monarch herself. That's Insult Number Two. Insult Number Three: the imperial Lord and Lady Blake are ancestors of Alexander Cockburn. Rule, Britannia!

• *Contest Update.* The name contest in Steve Harvey's "Only in L.A." column in the *Los Angeles Times* that was sparked by Criticus's "California Rhyming" column in these pages in the March/April number enjoyed a nice little run in May and June with contributions popping up every few days; then it faded away. I kept a file. During the course of its run Criticus and Steve Harvey also had a brief epistolary exchange that prompted a poem made to order by Criticus but not seen by the world. Space considerations require that I defer a report on all this until next time. Stay tuned.

• *Odium Update.* In the unlikely venue of the parking lot of a middle eastern greengrocer's emporium Criticus spotted the lumbering Darwin tortoise emblem on a large motor car that looked to be the property of a limousine liberal. On the bumper was a sticker from a Berkeley (where else?) institute reading: "Honk! If you understand / Punctuated Equilibria." Well, I do understand, but it's too complex to explain here, except to say that it is another dodgy effort by neo-Darwinians to explain some disturbingly non-Darwinian aspects of the fossil record. Of course the vehicle sporting all this Darwinism was parked in the handicapped zone. CPR

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Lynn Sampson Recommends

Books

The Harvard Brief Dictionary of Music, Washington Square Press, 1230 Avenue of the Americas, New York, New York

10020, $5.95. Never out of print since it first appeared in 1961, this venerable little volume is a lot more potent than its small size would suggest. Next time you are off to the symphony, put this book in your pocket and use it to become knowledgeable about what you are hearing. There is much more to music than meets the ear. Like the *Talmud* says, "To understand the invisible, first study the visible."

Zoos

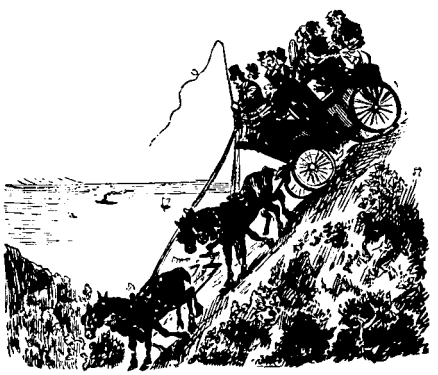
Hogle Zoo, 2600 East Sunnyside Avenue, Salt Lake City, Utah 84108, (801) 582-1631. No zoo in America has a more spacious, idyllic setting than the quiet, inauspicious Hogle Zoo in Salt Lake City. It is situated along the verdant and unspoiled Imagination Creek in a scenic canyon overlooking the city. This is one zoo that will give neither the spectators nor the animals claustrophobia.

Museums

Museum of Western Colorado's Dinosaur Valley, Fourth & Main, Grand Junction, Colorado, (970) 242-0971. Dinosaurs are big these days and sometimes taking your children to a museum that features paleontology can be as fulfilling as ingesting cotton candy. But at Dinosaur Valley Museum, located in Grand Junction on Interstate 70 240 miles west of Denver, children and adults can watch an actual working paleontology lab and view exhibits that give you a lot of hard information as well as a thrill. And, of course, the setting is the magnificent Rocky Mountains.

Cheap Thrills

Filbert Street, San Francisco, California. One night while trying to find a shortcut from the Golden Gate Bridge to the 101 Freeway, I happened to turn up Filbert Street. It may not have been the shortcut I was looking for, but it was one of the most entertaining and spontaneous thrills I've ever experienced. Filbert Street is San Francisco's steepest street. On your next visit to the City, drive down Van Ness until you are practically to Lombard Street. Turn on to Filbert going



towards Coit Tower and away from the Golden Gate. There is a long climb to the top and a very, very short drop to the bottom. Filbert Street is especially terrifying when driven at night for any of you who find doing it too tame during daylight hours. CPR

A veteran print and broadcast arts critic, Lynn Sampson hosts "Movies Worth Watching with Lynn Sampson," daily on KCIV-FM, Modesto.

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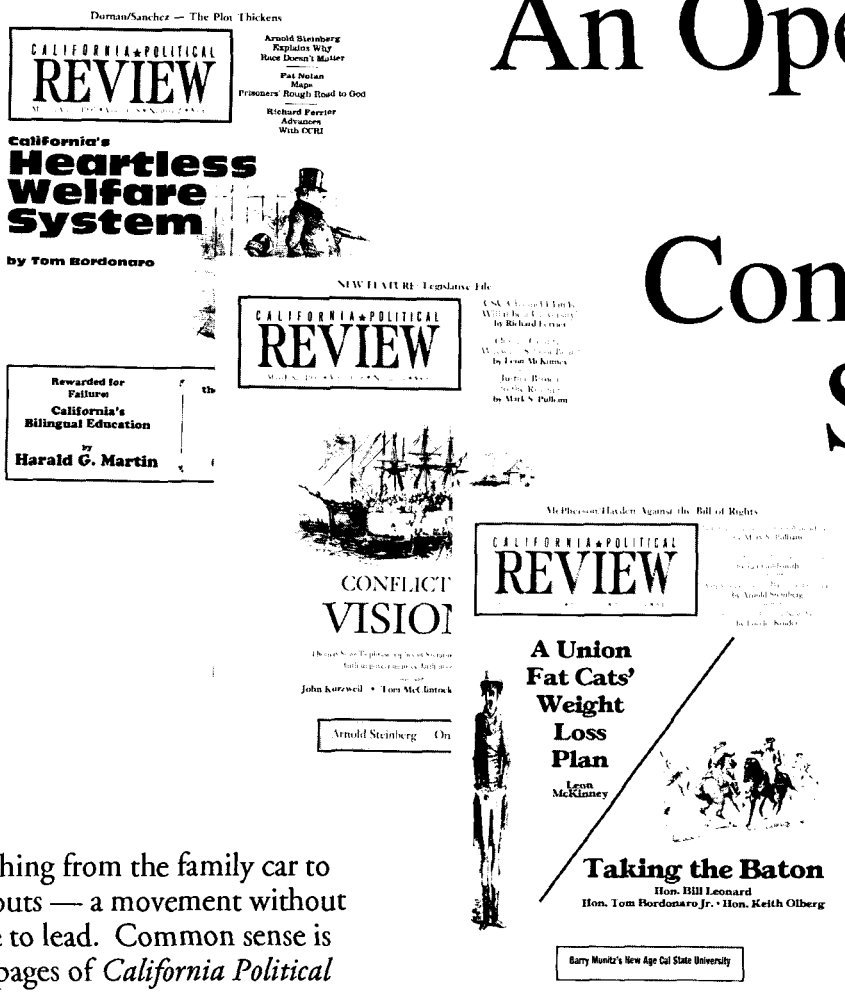
An Opening for Common Sense



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